



महाराष्ट्र शासन राजपत्र असाधारण भाग दोन

वर्ष ८, अंक ३३]

गुरुवार, एप्रिल २८, २०२२/वैशाख ८, शके १९४४

[पृष्ठे ७५, किंमत : रुपये १२.००

असाधारण क्रमांक ६१

प्राधिकृत प्रकाशन

MUMBAI PORT AUTHORITY

No. FA/OEA-L/8(22)/Gen/36

NOTIFICATION

In exercise of the power conferred on it under Sub-Section (1) of Section 27 of the Major Port Authorities Act, 2021 and Clause 7 of the Major Port Authorities (Fixation and Implementation of the Scale of Rates, Fees and Conditions) Rules, 2021, the Board of Mumbai Port Authority (Board) has approved to adopt existing Scale of Rates, Fees and Conditions in respect of TAMP Notifications Nos. 32, 165 read with amended Notification No. 453, 535, 552, 553, 554, 555, 556, 557, 558 and 559 that were existing immediately prior to the commencement of the Major Port Authorities Act, 2021. The Board of Mumbai Port Authority hereby publishes Scale of Rates for Port Trust estate for information of all concerned as required under Clause 6(2) of the Major Port Authorities (Fixation and Implementation Scale of Rates) Rules, 2021. The Scale of Rates in above notifications will be valid upto 30th September 2022.

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)
TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 32

New Delhi,

18 January 2021

NOTIFICATION

In exercise of the powers conferred under Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from Mumbai Port Trust (MBPT) seeking approval for fixation of Schedule of Rates for Land at Govandi of MBPT for the period from 01 October 2017 to 30 September 2022, as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/46/2020-MBPT

The Mumbai Port Trust

Applicant

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
- (ii). Shri. Sunil Kumar Singh, Member (Economic)

ORDER

(Passed on this 28th day of December, 2020)

This case relates to a proposal received from Mumbai Port Trust (MBPT) vide its letter No. FA/OEA-L-7 (02)/U-5/101 dated 14 October 2020 seeking approval of Schedule of Rates for Land at Govandi of MBPT for the period 01 October 2017 to 30 September 2022.

2. The main points made by the MBPT in its proposal dated 14 October 2020 are summarized below:

(i). **Background**

Mumbai Port Trust owns about 882 Ha. of land in Mumbai City. These land falls under the jurisdiction of A, B, C, M, G-North, E, F-North and F-South wards. The said land stretches from Colaba to Wadala, Mahim, Worli, Govandi, etc. and is divided into 15 administrative units for management of these estates. Additionally, about 28.09 Ha. of land at Titwala is owned by MBPT. The landed estates are divided into 2 main categories, viz. (i) lettable land and (ii) non-lettable land. Non-lettable land includes areas occupied by offices of sister department, administrative offices of Mumbai Port Trust, Port Trust quarters, Port Trust hospital, etc. The lettable category includes areas let out to long term leases, 15 monthly leases, monthly tenancies and licenses. There are also few plots which are vacant and can be let out. Plot at Govandi is vacant and is to be let out as decided by the Board.

(ii). **Policy Guidelines**

The Land Management Policy Guidelines for Major Ports, 2010 issued by the Ministry were adopted by the Board vide TR No.21 of 2011 read with Supreme Court Judgement. The Ministry subsequently, with the approval of the Cabinet, issued Land Policy guidelines for Land Management by Major Ports 2014 (PGLM), which were applicable for all Ports except for the land relating to the township areas of Kandla, Mumbai and Kolkata Port, for which it was stated that separate policy will be formulated. The amended policy guidelines were issued in 2015.

The Ministry vide clarification Circular (Land Management) No.1 of 2018 dated 14.05.2018 issued clarification circular extending the applicability of the PGLM 2015 to the non-home occupation / commercial area of the township areas of Mumbai, Kolkata and Kandla Port. Thus the PGLM 2015 have become applicable to the commercial occupations of the township areas of Mumbai Port Trust.

(iii). **Legal Issues**

TAMP had vide notification No. TAMP/10/98-Misc of 15.03.2000 issued orders on its jurisdiction for framing Scale of Rates and statement of condition on the issue of applicability of SOR to all lands of all Major Ports. The said notification was challenged by the Mumbai Port by Writ Petition 1153 of 2000. In the said writ petition, by interim order dated 02.05.2000 the Bombay High Court has stayed the applicability of TAMP's order to areas not falling within Port limit and Port approaches. Subsequently, under advisory from the Ministry, the Writ petition has been withdrawn.

(iv). **LAC Report**

In terms of para 13 of PGLM 2015 M/s. Mahesh Shetty Consultants and Valuers was appointed for valuation of Plot at Govandi (Ready Reckoner Zone 100/471). Land Allotment Committee (LAC) headed by the Dy. Chairman and comprising of Estate Manager, Financial Advisor & Chief Accounts Officer, Chief Engineer and Traffic Manager as other members was constituted to recommend Schedule of Rates for Estate lettings with effect from 01.10.2017 up to 30.09.2022. As per the PGLM-2015, the Committee is required to consider the following factors in determining the market value of the Port land.

- (a). State Government's ready reckoner of land values in the area, if available for similar classification/ activities.
- (b). Average rate of actual relevant transactions registered in the last 3 years in the ports vicinity adding 2% escalation per annum and in case of Mumbai Port Trust @4% escalation per annum.
- (c). Highest accepted tender of Port land for similar transactions.
- (d). Rate arrived at by an approved valuer appointed for the purpose by the Port.
- (e). Any other relevant factor as may be identified by the Port.

- (v). (a). Board by Resolution No.43 dated 31.05.2019 accepted the LAC report dated 6.5.2019 recommending rate of ₹.1,55,800/- per sq. mtr. for FSI-1 as indicated in the Valuation Report for plot of land at Govandi.
- (b). The rate given by the valuer for the subject land of ₹.1,55,800/- per Sq. mtr for FSI-1 is as of September 2018. The SoR thus applicable for the year 2017-2018 for land falling under Ready Reckoner zone 100/471. SoR @ 6% per annum return works out ₹.9348/- per Sq. Mtr. per annum & ₹.779/- per Sq. Mtr. per month for FSI-1 with 4% annual escalation every October.

- (vi). The proposal is formulated in terms of the Land Policy Guidelines for Land Management 2015. Under section 49 of MPT Act, 1963 and para 13 (c) of PGLM-2015, TAMP's approval to the SOR for the period from 01.10.2017 to 30.09.2022 for Plot of land at Govandi falling in Stamp Duty Ready Reckoner zone 100/471 is requested. Thus, TAMP's approval is requested to the SoR arrived at on the basis of TR No. 43 of 2019 in respect of Plot of land at Govandi.

3.1. The MBPT has furnished the Schedule of Rates for Plot of Land at Govandi (RR Zone 100/471) as given below :

Sr. No.	Rr Zone	Plot No.	Land Value Per Sq. Mtr. For Fsi=1 (In ₹.)	Rate Per Sq. Mtr P.A. As On 01.10.2017 (In ₹.)
1	2	3		5
1	100/471	Plot of land at	₹.1,55,800	₹.9,348

		Govandi		
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NOTES :

1. Above rate is subject to increase @ 4% p.a. First such increase will be effective from 01.10.2018.
2. Land value and rate furnished above are applicable per Sq. Mtr. for FSI = 1. For higher FSI, land value and rate will increase.
3. Above rates are exclusive of all Taxes (GST, Municipal Taxes, etc.), Penalties, Interest. etc. Same are separately payable by lessees, as may be applicable.

3.2 The MBPT has also furnished the Copy of the Report of the Valuer, Copy of the Land Allotment Committee (LAC) Report and Copy of the Board Resolution of the MBPT Board approving the recommendations of the LAC (TR No.43 dated 31.05.2019).

4.1. From the valuation report, it is seen that the Valuer has considered different method of valuation for determining the market value of the Port land as prescribed at para no. 13 (a) in the Land Policy Guidelines and arrived at the following market value of land under different methods -

(Rate per Sq. mtr.)		
Method-I	Market Value of Land as per State Ready Reckoner	₹.1,06,600.00
Method-II	Highest rate of actual relevant transactions registered in last 3 years in the vicinity	No such transactions
Method-III	Highest accepted tender cum action of the port land for similar transactions	Not occurred
Method -IV	Other Relevant Factors - Highest rate of actual relevant transactions (Market Sale Instance)	₹.1,32,310.00
Method - V	Value Considering existing infrastructure facilities - Feasibility method of Land valuation	₹.1,55,800.00

4.2. The Land Allotment Committee has recommended the highest market value of ₹.1,55,800.00 per sq mtr. arrived by the Valuer in the Valuation Report. The market value of ₹.1,55,800.00 per sq.mtr. arrived by the Valuer, by considering existing infrastructure facilities, is as given below:

Sl.	Statement	Unit	Calculation
1.	Area of Plot	Sq.mtr	69848.84
2.	Dp Reservation	Sq.mtr	
a)	Municipal Market	Sq.mtr	3497.92
b).	Garden Plot	Sq.mtr	2258.80
c).	Homeless Shelter	Sq.mtr	2483.54
d)	School	Sq.mtr	1211.87
e)	Hospital	Sq.mtr	2763.17
f).	Proposed DP Road	Sq.mtr	857.99
g)	Set Back Area	Sq.mtr	742.90
h).	Total Reservation	Sq.mtr	13816.19
3.	Area of Plot	Sq.mtr	56032.64
4.	Deduction for Open Space	Sq.mtr	00
5.	Deduction for Internal Road	Sq.mtr	00
6.	Net Area of Plot (3 -4 & 5)	Sq.mtr	56032.64
7.	Permissible FSI	FSI	1
8.	Permissible Floor Area (6 * 1FSI)	Sq.mtr	56032.64
9.	Additional FSI DP reservation area (H * 1 FSI)	Sq.mtr	13816.19
10.	Permissible Floor Area	Sq.mtr	69848.84
11.	Base FSI	1 FSI	69848.84
12.	Additional	0.5 FSI	28016.33
13.	TDR	0.7 FSI	39222.86
14.	Fungible FSI	0.35 FSI	47980.81
15.	Total FSI on Plot (11 to 14)	Sq. mtr.	185068.83
16.	Permissible Floor Area (Saleable Area) with 20% loading (15.20%)	Sq. mtr.	222082.59
Total Expected Output			
17.	Rate considered for valuation @Rs.2,15,280/- sq.mtr. or ₹.20,000/- per sq. ft	₹	215280.00
18.	Total expected output (16 * 17)	₹.	47809944492.00
Total cost of the project			
19.	Construction cost @Rs.27500 per sq. mtr (16*construction cost per sq. ft.)	₹.	6107271291.00
20.	Construction cost for reservation @Rs.27500 per sq.mtr. (h*construction cost per sq mtr) (13816.19 * 27500)	₹.	379945225.00
21.	Other expenses 7% construction cost (Architect Fees 3%, 1% plan approval and out of expenses 3%)	₹.	427508990.00
22.	Contingencies (19+20) *5%	₹.	324360826.00
23.	Approvals costs (MCGM approvals cost INR 10764 sq.mtr) (16 * 10764)	₹.	2390497025.00
24.	Site development charges (1 * 1076 sq. mtr)		75157352.00
25.	TDR / Addl. FSI Cost (50% of Govt. Land Rate) * 106600 (12 + 13 + 14 * 50% Ready Reckoner Rate)		6141225307.00
26.	Total cost of Project (B)	₹.	15845966016.00
27.	Net income inclusive of Land Cost (A-B)	₹.	31963974476.00
28.	Less – Interest cost during construction	₹.	3169193203.00
29.	Less – Developer Profit 30% (27*30%)	₹.	9589192343.00
30.	Total cost of developed Land (27-28-29)	₹.	19205588930.00
31.	Total Potential value of Land	₹.	19205588930.00
32.	Land Rate per sq.mtr. FSI 2.2. (31/3)		342757.00
	Land Rate per sq. mtr. considering 1 FSI	Per sq. mtr.	₹.155799.00 or say ₹.155800.00

5. In accordance with the consultative procedure prescribed, a copy of the MBPT proposal dated 14 October 2020 was forwarded to the concerned users/ user organizations (as per the user list furnished by MBPT) vide letter dated 22 October 2020 seeking their comments. None of the users / user organisations have given comments till the case was finalized.

6. In view of the outbreak of COVID – 19 and in pursuance of the Ministry of Shipping (MOS) letter No. 11053/30/2020-Coord. dated 16 April 2020 to hold virtual meetings, a joint hearing on the case in reference was held on 17 November 2020 through Video Conferencing. At the joint hearing, MBPT made a brief power point presentation of its proposal. The MBPT and the users/ user organisations have made the submissions during the joint hearing.

7. Based on a preliminary scrutiny of the proposal, the following additional information/ clarification was sought from MBPT, vide letter dated 26 November 2020. The MBPT has responded vide its letter dated 04 December 2020. The information sought and the response of MBPT thereon are tabulated below:

Sl. No.	Information/ clarification sought	Response of MBPT
(i)	The market value of ₹.155,800 per sq. mtr. For FSI – I valued by the valuer is as of September 2018. Therefore, seeking approval for the proposed rentals retrospectively from 01 October 2017 to be justified with the significance of date of 01 October 2017.	The land at Govandi do not have any letting. Previously there were residential Quarters on the said land. MbPT proposes to lease out this land and therefore in terms of PGLM 2014-15, it is necessary to fix the SOR with the approval of TAMP. As per the Quinquennial revision in terms of PGLM the revision of rates of all MbPT land would be effective from 1.10.2017. Accordingly, for the subject land, SOR for the period from 1.10.2017 to 30.09.2022 has been proposed with the rate as on 1.10.2017 being escalated by 4% ever year. The valuation of the said land has been carried out and the report submitted on 29.09.2018. The value given by the valuer is ₹.1,55,800/- per sq.mtr. for FSI 1 as on 29.09.2018, which falls within the period of first year of revision i.e. 1.10.2017 to 30.09.2018. Therefore, the rental has been proposed retrospectively.
(ii)	The reason as to why no prospective effect is sought for the proposed lease rentals, given that no rentals have been approved by TAMP in respect of the subject land at Govandi, in the absence of any proposal from MBPT.	The SOR being proposed would have validity for the period from 1.10.2017 to 30.09.2022 with 4% annual increase, whereafter fresh Quinquennial revision would apply. Thus, rate has prospective effect up to 30.09.2022.
(iii)	A note prescribing the validity of the proposed Rent Schedule to be 5 years, to be proposed.	According to para 13 of PGLM 2014 the Port Trust Board is required to make proposal to TAMP, for fixing the SOR of the land taking into account the highest of the 5 factors give in para 13(a) to determine the latest market value of Port land. For fixing the latest SOR for the land, the Port Trust Board is also required to fix annual escalation which could not be less than 2%. Further it is provided that the SOR would be fixed every five years.

		<p>It is provided in the said para that the latest SOR determined in accordance with para 13(a) and 13(c) would in no case be less than 6% of the latest market value recommended by the Port Trust.</p> <p>In consonance with the above provision of the PGLM, the SOR at 6% return p.a. on the highest factor of ₹.1,55,800/- works out to ₹.9348 per sq.mtr. p.a. for FSI=1 effective from 1.10.2017, with annual escalation of 4% every October. The first such increase would be effective on 1.10.2018 and the SOR would be valid till 30.09.2022.</p>
(iv)	Since the MPT Act, 1963 mandates TAMP to notify Scale of Rates and Statement of conditions for use of port properties, TAMP will not be able to notify market value.	This is noted.

8. The proceedings relating to consultation in this case are available on records at the office of this Authority. An excerpt of the arguments made by the concerned parties will be sent separately to them. These details will also be made available at our website <http://tariffauthority.gov.in>.

9. With reference to totality of information collected during the processing of this case, the following position emerges:

- (i). The Mumbai Port Trust (MBPT) has some few vacant plots in Govandi, where residential quarters were situated, which it has decided to let out. Accordingly, the MBPT has come up with a proposal for fixation of lease rent for the land at Govandi based on the provisions of the amended Land Policy Guidelines, 2014. The proposal of the port has the approval of its Board of Trustees.
- (ii). The MBPT has filed its proposal vide its letter dated 14 October 2020. The said proposal alongwith the information/ clarification furnished by MBPT during the processing of the case, is considered in this analysis.
- (iii). This Authority is mandated to follow the Land Policy Guidelines issued by the Government from time to time for the purpose of determining lease rentals for the lands belonging to the Port Trusts. The Ministry of Shipping in the Government of India has announced Land Policy Guidelines for Major Ports, 2014 in January 2014 which has come into effect from 2 January 2014. Subsequently, the Ministry of Shipping has issued amended Land Policy Guidelines, 2014 under Section 111 of the MPT Act, 1963 for implementation with effect from 17 July 2015. The MBPT has, come up with a proposal for fixing Scale of Rates (SOR) for allotment of land at Govandi based on the provisions of the Land Policy Guidelines for Major Port Trusts, 2014, as amended in July 2015.
- (iv). As per clause 13(a) read with clause 11.2(e) of the Land Policy Guidelines 2014, a Land Allotment Committee (LAC) constituted by the Port Trust Board consisting of Deputy Chairman of the Port, and Heads of Departments of Finance, Estate and Traffic shall determine the market value of land as per the methodology prescribed in clause 13(a). Accordingly, the MBPT has reported about constitution of a Land Allotment Committee (LAC) headed by the Dy. Chairman of the Port and the Heads of Departments of Finance, Traffic and Estate being the other members.

- (v). (a). Para 13(a) of the Land policy guidelines of July 2015 prescribes the methodology for determination of market value of the land based on the five factors as prescribed therein. In terms of the said para of the amended Land policy guidelines of 2014, the Land Allotment Committee may normally take into account the highest of the factors mentioned therein, viz. (i). State Government ready reckoner of land values in the area if available for similar classification/ activities, (ii). Highest rate of actual relevant transactions registered in the last three years in the Port's vicinity with an appropriate annual escalation rate to be approved the Port Trust Board, (iii). Highest accepted tender-cum-auction rate of Port land for similar transactions, updated on the basis of the annual escalation rate approved by the Port Trust Board, (iv). Rate arrived at by an approved valuer appointed for the purpose by the Port and (v). Any other relevant factor as is identified by the Port. The amended Land Policy guidelines of 2014 also stipulates that in case the LAC is not choosing the highest factor, the reasons for the same have to be recorded.
- (b). In connection with the Valuation as per various methods as stipulated in the Guidelines, the valuation report of September 2018 has indicated that no tender cum auction of the port land for similar transactions has occurred in the past 3 years. The value of the land as reflected in the Stamp Duty Ready Reckoner 2017-18 is reported by the Valuer at ₹1,06,600/- per sq.m. The Highest rate amongst of actual relevant Market Sale Instance transactions has been indicated by the Valuer in his Report at ₹1,32,310/- per sq.m. The Valuer has also determined the market value of the land at ₹1,55,800/- per sq.m., as brought out in the earlier part of this order.
- (c). Therefore, the LAC in its Report has recommended to take into account, the highest of the market value amongst all the market values of the land at Govandi, as determined by the Valuer in the Valuation Report. Thus, the LAC has recommended to consider the the market value of the land at ₹ 1,55,800/- per sq.m, being the highest value amongst all the factors.
- (d). Clause 13(b) of the guidelines stipulates that Reserve Price in terms of annual lease rent would be arrived, as a percentage of latest market value of land determined based on the five factors in accordance with para 13(a) and that the percentage should not be less than 6% which is to be fixed by the Port Trust Board. Accordingly, the lease rental has been arrived by MBPT at 6% of the market value of the land at ₹1,55,800/- per sq.m which works out to ₹9,348/- per sq.m. per annum.
- (e). Considering that the market value of the land as determined by the Valuer has been recommended by the LAC and given that the Board of Trustees of MBPT has approved the recommendation of the LAC and also since there have been no objections from any of the users, who have been consulted in the case in reference, this Authority is inclined to prescribe the Lease Rent for the land at Govandi at ₹ 9,348/- per sq.m per annum, as proposed by the MBPT.
- (vi). In the subject proposal, the MBPT has sought approval for the lease rent for a period of 5 years beginning from 01 October 2017. In this regard, the MBPT has stated that Valuation given by the Valuer is in September 2018, which falls within the period of first year of revision i.e. from 01 October 2017 to 30 September 2018.

In this connection, it is relevant to mention here that the lease rentals approved by the Board of Trustees for the lands of MBPT for the period from 1980 upto 30 September 2012 as per the Compromise formula had been upheld by the Hon'ble Supreme Court of India. As such, the Government has advised the MBPT in May 2019 to fix the SOR for all areas of Mumbai Port including Township areas with effect from 01 October 2012 onwards. Since during the quinquennial period 01 October 2012 to 30 September 2017, there were only residential Quarters on the land at Govandi and the port has identified the land at Govandi for letting out only during the quinquennial period 01 October 2017 to 30 September 2022, the MBPT is presumed to have approached this Authority seeking retrospective approval for lease rent for the land at Govandi from 01 October 2017 to 30 September 2022.

It is noteworthy that this Authority does not ordinarily give retrospective effect to the Order. But, in cases governed by special circumstances, it does require retrospective application of its Order. In a case relating to an agreement between New Mangalore Port Trust and the Kudremukh Iron Ore Company Ltd., on the advice of Ministry of Law, the (then) Ministry of Surface Transport had vide its Communication No. PR-14011/5197-P4 dated 16 March 1998 advised this Authority to give retrospective effect. Similarly, based on proposals received from MBPT, retrospective effect was given for recovery of way leave charges leviable as per the agreement between ONGC and MBPT as well as for the levy of Special Way Leave Charges.

Under these circumstances and for the reasons given in the earlier paragraphs, the proposal of the MBPT seeking retrospective approval for lease rent for the land at Govandi from 01 October 2017 to 30 September 2022, is approved.

(vii). The MBPT has sought approval for prescription of market value of the land at Govandi as well as the lease rent. In this regard, it is to state that the Major Port Trusts Act, 1963 mandates this Authority to notify Scale of Rates and Statement of conditions for use of port properties. Also, the Land Policy Guidelines, mandates this Authority to prescribe lease rent based on the market value of the land. Thus, this Authority is not in a position to notify market value. This position has been brought to the notice of MBPT. Thus, this Authority notifies only the lease rent as discussed in the preceding paragraph.

(viii). The MBPT is seen to have proposed a note to the effect that the lease rent is subject to increase @ 4% p.a. and that first such increase will be effective from 01 October 2018.

In this regard, it is relevant here to mention that Clause 13(c) of the Land Policy Guidelines of 2014 gives flexibility to the ports to fix annual escalation which would not be less than 2%. Accordingly, the MBPT has proposed 4% annual escalation. Also, since the lease rent to be approved is for the period beginning 01 October 2017, the said lease rent will be subject to its first annual escalation on 01 October 2018. Thus, the proposed note is approved.

(ix). The MBPT has proposed another note to the effect that the land value and rate is applicable per Sq. Mtr. for FSI = 1 and that for higher FSI, land value and rate will increase. Since the said note gives clarity and would avoid ambiguity, the proposed note is approved. However, reference to the word 'land value' is deleted, for the reasons stated earlier. If the land value and rate will increase for higher FSI, the MBPT is advised to seek the approval of this Authority for such higher rate with due justification. The proposed note is modified suitably.

- (x). The MBPT has also proposed a note to the effect that the rate is exclusive of all Taxes (GST, Municipal Taxes, etc.), Penalties, Interest. etc. and that the same are separately payable by lessees, as is applicable. In this regard, it is to state that the tariff approved by this Authority is exclusive of any taxes and statutory duties. The taxes and statutory duties are to be levied by the Port at the applicable rates on the tariff so approved by this Authority. In view of this position, the note as proposed by the Port is approved.
- (xi). Clause 13 (C) of the amended Land Policy Guidelines, 2014 stipulates that the rates will be revised once in every five years by this Authority. Since the rental is being prescribed with effect from 01 October 2017, accordingly, a note is being prescribed in the Rent Schedule that the annual lease rentals shall remain in force for a period of five years thereon, which is approved.

10. In the result, and for the reasons given above and based on a collective application of mind, this Authority approves the Schedule of lease rent for land at Govandi for the period 01 October 2017 to 30 September 2022 which is attached as **Annex**.

T.S. Balasubramanian,
Member (Finance)

Annex.

SCHEDULE OF RATE FOR PLOT OF LAND AT GOVANDI (RR ZONE 100/471)

Sr. No.	Rr Zone	Plot No.	Rate Per Sq. Mtr P.A. As On 01.10.2017 (In ₹.)
1	2	3	
1	100/471	Plot of land at Govandi	₹.9,348

NOTES:

1. Above rate is subject to increase @ 4% p.a. First such increase will be effective from 01.10.2018
2. Rate furnished above is applicable per Sq. Mtr. for FSI = 1. For higher FSI, rate will increase subject to the approval of TAMP.
3. Above rate is exclusive of all Taxes (GST, Municipal Taxes, etc.), Penalties, Interest. etc. Same are separately payable by lessees, as may be applicable.
4. The annual lease rental shall remain in force for a period of five years from 01 October 2017 to 30 September 2022.

**SUMMARY OF THE ARGUMENTS MADE IN THIS CASE DURING THE JOINT HEARING
BEFORE THE AUTHORITY.**

TAMP/46/2020-MBPT : Proposal received from the Mumbai Port Trust (MBPT) seeking approval of Schedule of Rates for Land at Govandi of MBPT for the period 01 October 2017 to 30 September 2022.

In view of the outbreak of COVID – 19 and in pursuance of the Ministry of Shipping (MOS) letter No. 11053/30/2020-Coord. dated 16 April 2020 to hold virtual meetings, a joint hearing on the case in reference was held on 17 November 2020 through Video Conferencing. At the joint hearing, MBPT made a brief power point presentation of its proposal. The MBPT and the users/ user organisations have made the submissions during the joint hearing.

Mumbai Port Trust (MBPT)

- (i). The Bombay Dock Labour Board (BDLB) had purchased land of about 69,848.84 sq. mtrs. (approx.) at Govandi in the year 1965. After the merger of BDLB with MBPT in the year 2015, the land is with MBPT. 8 buildings are standing thereon and being used as MBPT employees quarters.
- (ii). The Valuation of the Govandi land has been done by applying 5 factors as per the Land Policy guidelines. The market value of the land as assessed by the Valuer at ₹.155800/- per sq.m. has been recommended by the LAC and approved by the Board of Trustees of MBPT.

International Institute for Population Sciences

- (i). International Institute for Population Sciences is a Deemed to be University under administrative control of Ministry of Health and Family Welfare, Govt. of India.
- (ii). We are very keen to acquire the said piece of land as it is very close to our existing campus at Govandi and we have expansion plans.
- (iii). The proposal to acquire lease land of MBPT has been submitted to Ministry of Health and Family Welfare for its administrative and financial approval. We are awaiting a reply from the Ministry.
- (iv). Prima facie we have no objection to the proposed rate.
- (v). We have a concern since temples / mosque are located in the said land.

[MBPT : We will relocate the temples/ mosque].

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)
TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 165

New Delhi,

12 April 2021

NOTIFICATION

In exercise of the powers conferred under Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from Mumbai Port Trust (MBPT) seeking approval of Schedule of Lease Rentals in respect of 9 Vacant Plots at various places in Mumbai to be allotted by E-Tender-cum-Auction method at Mumbai Port Trust (MBPT), as in the Order appended hereto.

T.S. Balasubramanian,
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/26/2020-MBPT

The Mumbai Port Trust

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Applicant

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
- (ii). Shri. Sunil Kumar Singh, Member (Economic)

O R D E R

(Passed on this 16th day of March, 2021)

This case relates to a proposal filed by the Mumbai Port Trust (MBPT) seeking approval of Schedule of Lease Rentals in respect of 9 Vacant Plots at various places in Mumbai to be allotted by E-Tender-cum-Auction method at Mumbai Port Trust (MBPT).

2.1. The main points made by the MBPT in its proposal dated 22 July 2020 are summarized below:

(i). **Background**

- (a). MBPT owns about 882 Ha of land in Mumbai City. These land fall under the jurisdiction of A, B, C, M, G-North, E, F-North and F-South wards. The said land stretches from Colaba to Wadala, Mahim, Worli, Govandi, etc. and is divided into 15 administrative units for management of these estates. Additionally, about 28.09 Ha of land at Titwala is owned by MBPT. The landed estates are divided into 2 main categories, viz. (i) lettable land and (ii) non-lettable land. Non-lettable land includes areas occupied by offices of Mumbai Port Trust, Port Trust quarters, Port Trust hospital, etc. The lettable category includes areas let out as long term leases, 15 monthly leases, monthly tenancies and licenses.
- (b). The land policy guidelines for Major Ports issued by the Ministry of Shipping (MoS) in 2010 do not have the sanction of Cabinet and these guidelines could not be implemented. The Ministry of Finance vide OM dated 25.06.2010 & 02.11.2010 with regard to the sale/ lease/ license of land in possession and control of Govt./ Govt. controlled entities directed 'to ensure that express approval of the Finance Ministry is obtained for any sale/grant/assignment/allocation or disposal in any form of Government Assets. The above subject has been further communicated through Cabinet Secretariat's D.O. letter dated 21.03.2011 which specifically refers to the need for specific approval of Cabinet in each case of sale or long term lease of land belonging to Govt./ Govt. controlled statutory authorities.

(ii). **Policy Guidelines issued by MOS / GOI**

- (a). The Ministry, with the approval of the Cabinet, issued Land Policy guidelines for Land Management by Major Ports 2014 (PGLM), which was applicable for all Ports except for the land relating to the township areas of Kandla, Mumbai and Kolkata Ports, for which it was stated that separate policy will be formulated. The amended policy guidelines were issued in 2015, which were not applicable to Township areas of MBPT.

- (b). The Ministry vide clarification Circular (Land Management) No.1 of 14.05.2018 and Clarification No.2 of 09.03.2019 and dated 29.04.2019 issued clarification circular on various issues of PGLM 2014/15 extending the applicability of the PGLM 2015 to the non-home occupation / commercial area of the township areas of Mumbai, Kolkata and Kandla Ports.
- (c). Government of India vide Clarification No.1 of 2019-20 and Clarification No.4 of 2019 on Policy Guidelines on Land Management 2015 (PGLM 2015) have directed Board to ensure that optimum value is realized by licensing/leasing Port Land through Tender-cum-auction methodology for 30 years lease in terms of PGLM 2015.
- (d). Accordingly, Board vide TR 260 of 2020 accorded approval to invite public offers by inviting online tenders in respect of 12 vacant plots on lease for 30 years in terms of PGLM 2015 and above clarifications. Out of which 09 vacant plots are being taken up in the 1st phase.
- (e). Total 09 vacant plots are earmarked for allotment through the process of e-tendering-cum-e-auction method for leases of land to the Public/ Private/ Government/ PSU Sector. These plots are falling in five Ready Reckoner zones.

(iii). **Valuation Report**

- (a). Para 13 of PGLM 2015 states as under:

“
(a) *Land Allotment Committee may normally take into account the highest of the factors mentioned herein below to determine the latest market value of Port land. In case the land allotment committee is not choosing the highest factor, the reasons for the same have to be recorded in writing.*

- i. *State Government's ready reckoner of land values in the area, if available for similar classification/ activities.*
- ii. *Highest rate of actual relevant transactions registered in last three years in the Port's vicinity (the vicinity of the Port is to be decided by the respective Port Trust Boards), with an appropriate annual escalation rate to be approved by the Port Trust Board.*
- iii. *Highest accepted tender-cum-auction rate of Port land for similar transactions, updated on the basis of the annual escalation rate approved by the Port Trust Board.*
- iv. *Rate arrived at by an approved valuer appointed for the purpose by the Port.*
- v. *Any other relevant factor as may be identified by the Port.*

(b) *The Land Allotment Committee shall, while recommending the latest Market Value for any land would normally take into account the highest of the factors mentioned in Para 13 (a) above.*

Reserve Price in terms of the annual lease rent would be latest SoR determined in accordance with Para 13(a) and 13 (c) and would in no case be less than 6% of the latest market value recommended by the Port Trust.

(c) *The Port Trust would make a proposal as outlined in para 13(a) to TAMP for fixing the latest SoR of the land. The TAMP would notify the latest SoR of the land after following due process of consultation with stake holders within 45 days of receipt of the proposal. The Port Trust Board will fix a rate of annual escalation which would not be less than 2%. SoR would be refixed once in every 5 years by TAMP."*

(b). In accordance with the above guidelines (Para 13 of PGLM 2015) and above referred clarifications, Registered Valuers were empaneled for valuation of plots. The empaneled valuers submitted their Land Valuation Reports. These Valuation Reports were placed before the Land Allotment Committee (LAC) headed by the Dy. Chairman and comprising of Estate Manager, Financial Advisor & Chief Accounts Officer, Chief Engineer and Traffic Manager as members constituted to recommend the Fair Market Value (FMV) and Schedule of Rates (SOR) for the MBPT plots.

(iv). **Recommendations of LAC approved by the Board vide TR 261 & 301 of 2020:**

The Land Allotment Committee, after perusal of valuation reports, deliberated each case of vacant plot and recommended as under:

- (a). LAC has approved the FMV of the land based on the valuation report; and, the market values in respect of these 09 vacant plots have been computed as per the present FSI and land use permissible under the present DC Regulations and for the permissible activities as given by the Advisor (Planning) in respect of each plot.
- (b). Rates per Sq. Mtr. (in ₹.) for FSI = 1.00 have been worked out (as on 01.08.2020) @ 6% return on FMV of each plot. These rates shall increase by 4% every October.
- (c). Rate will be proportionally increased in case the permissible FSI is increased as may be applicable for any plot by MBPT SPA/Planning Authority's new DC Regulations.
- (d). Upfront Premium for 30 years will be calculated as per applicable G-Sec rate prevailing at the time of inviting tender. The above recommendations of LAC, FMV of the plot and SOR to invite public offer through e-auction/e-tender in respect of 09 vacant plots to lease for 30 years on the basis of Reserve Price bidding were approved by the Board of Trustees of Port of Mumbai vide TR No.261 dated 14.01.2020 and 301 dated 25.02.2020. Out of which, one plot i.e. RR 1925 is under reservation for school as per DP 1991 (Para 3 of TR 261 of 14.01.2020). Hence, same is not considered in the 1st Phase.

(v). **Proposal**

TAMP's approval is requested to the Schedule of Rates recommended by the LAC as per Para 4 above and approved by the Board vide TR 261 of 14.01.2020 and TR 301 of 25.2.2020, in respect of 09 vacant plots. Copies of TR 260 & 261 dated 14.01.2020 and 301 dated 25.02.2020 along with Schedule of Rates are furnished alongwith proposal. These rates will be applicable to self-occupied premises by lessees of Non-Home Occupation lettings in MBPT.

(vi). **Justification**

- (i). The proposal is formulated in terms of the Land Policy Guidelines for Land Management 2015.
- (ii). Under section 49 of MPT Act, 1963 and para 13 (c) of PGLM-2015, TAMP's approval to the SOR is sought for the period from 01.08.2020 for self-occupied premises and used for purely Non-home occupation of vacant plots.

2.2. The MBPT has furnished the Schedule of Rates for vacant plots with effect from 01.08.2020 as given below:

Schedule of Rates for vacant plots with effect from 01.08.2020

Sl. No.	RR Zone	Plot No.	Fair Market Value per Sq. Mtr. for FSI 1.00 (In ₹)	Rate for FSI 1.00 per Sq. Mtr. p.m. w.e.f. 01.08.2020 (To be escalated by 4% every October) (In ₹)
(1)	(2)	(3)	(4)	(5)
1	14/101	RR 2023 – Industrial Use	1,24,400.00 (Land) 10,200.00 (Structure)	(Land) - 622.00 (Structure) - 51.00
2	14/101	RR No. 1823 (FCI) – Industrial Use	1,24,400.00	622.00
3	14/101	Plot No. 25 – Industrial Use	1,24,400.00 (Land) 10,200.00 (Structure)	(Land) - 622.00 (Structure) - 51.00
4	14/101	107 – Industrial use	1,24,400.00	622.00
5	11/86	RR No. 1984 – Industrial use	1,30,000.00	650.00
6	3/35	RR No. 742 – Commercial use	1,84,131.58	920.66
7	Titwala	Survey No.21 and 166 - Green Zone	2,760.00	13.80
	Titwala	Survey No.21 and 166 - Residential/ Industrial	22,249.00	111.25
	Titwala	Survey No.21 and 166 -Road/Public utilities	8,000.00	40.00
8	2/22	RR No. 1304 - Commercial use	2,06,624.00	1,033.12
9	2/22	RR 1768 (Plot B) – Commercial use	2,06,624.00 (Land) 61,115.00 (Structure)	(Land) – 1,033.12 (Structure) - 305.58

Notes :

1. Rent will be worked out on the basis of Actual Built-Up Area, subject to minimum of FSI 1.00.

2. Above rates are not applicable to Way Leave / Special Way Leave charges and same are calculated based on above rates as per MBPT regulations.
3. Above rates are exclusive of all Taxes (GST, Municipal Taxes, etc.), Service Charges, Penalties, Interest. etc. Same are separately payable by lessees, as may be applicable.
4. These rates are applicable for Non-Home Occupations.
5. These rates are applicable to respective plots for E-Tender-cum-E-Auction only.

- 2.3. The MBPT has also enclosed the following documents:
- (a). Copy of the MBPT Proposal.
 - (b). Copy of the Report of the Valuer (Patwardhan Consultants Pvt. Ltd.).
 - (c). Copy of the Land Allotment Committee (LAC) Report.
 - (d). Copy of the Board Resolution of the MBPT Board approving the recommendations of the LAC (TR no.260 & 261 dated 14.01.2020 and 301 dated 25.02.2020).

2.4. Since the proposal received from MBPT did not have the details of the users who need to be consulted in the case in reference, the MBPT was requested vide letter dated 31 July 2020 to furnish the list of users. The MBPT has responded vide its letter dated 11 September 2020 received by us on 21 September 2020.

3. In accordance with the consultative procedure prescribed, a copy of the MBPT proposal dated 22 July 2020 was forwarded to the concerned users/ user organizations/ allottees (as per the list furnished by MBPT) vide e-mail dated 07 October 2020 seeking their comments. In response, few users/ user organizations have furnished their comments. The said comments were forwarded to MBPT as feedback information. The MBPT has not responded till the case was finalised.

4.1. On a preliminary scrutiny of the proposal, it was seen that some information/ clarification are required from MBPT. Accordingly, additional information/ clarification was sought from MBPT vide letter dated 10 November 2020. After reminders dated 18 December 2020 and 05 January 2021, the MBPT has responded vide its letter No. FA/OEA-L-13(20)/Gen/226 dated 28 January 2021. The information/ clarification sought and the response of MBPT thereon are tabulated below:

Sl. No.	Information/ clarification sought by TAMP	Response of MBPT
(i).	The reason for seeking approval for the proposed rentals retrospectively from 01 August 2020 to be explained with the significance of date of 01 August 2020.	Proposal was sent to TAMP on 22.07.2020. Hence, approval was sought from 01.08.2020
(ii)	The Annexures forming part of the TR no. 260 and 261 both dated 14 January 2020 to be furnished.	Annexures to TRs Nos.260 and 261 both dated 14.01.2020 are furnished. [Annexures relate to the statements showing vacant plots].
(iii).	In respect of the lands at RR – 2023, RR – 1823, Plot no. 25, and Plot no. 107, the Valuer has arrived at the market value of the land at ₹.1,20,479/- per sq.m. in his Report of September 2019. The LAC in its Reports has however, decided to consider the market value of the land at RR – 2023 at ₹1,24,400/- per sq.m. This is reported to be the Value of the land arrived based on the SOR approved by TR no. 112 dated 20.08.2019 for the period 01.10.2017 to 30.09.2022 for the Ready	

	Reckoner Zone 14/101 at ₹1,15,000/- per sq.m with 4% escalation per annum as on 01 October 2019. In this regard, the MBPT to clarify/ furnish the following:													
(a)	The documentary evidence in support of the market value of the land at ₹1,15,000/-	Copy of valuation Report dated 27.04.2019 for ₹115,000/- is furnished.												
(b)	Given that the Valuer has specifically determined the Value of the Land at RR – 2023 in his Valuation Report, reason for consideration of alternative approach to be explained.	<p>By valuation report dated 27.09.2019, valuers had furnished value of ₹120,479/- per sq.mtr. for RR 2023 which falls in RR Zone 14/101. LAC considered the said value for the period 01.10.2019 to 30.09.2020. By TR No.112 dated 20.08.2019, Board had approved value of ₹ 115,000 per sq.mtr. as on 01.10.2017 with 4% increase every annum for plots falling in RR Zone 14/101 for industrial use. While formulating proposal for RR Zone 14/101 for TAMP's approval, position was as under :</p> <table border="1"> <thead> <tr> <th>Period</th><th>As Per TR 112 of 2019</th><th>As per valuation report dated 27.09.2019</th></tr> </thead> <tbody> <tr> <td>01.10.2017 to 30.09.2018</td><td>₹115,000</td><td></td></tr> <tr> <td>01.10.2018 to 30.09.2019</td><td>₹119,600</td><td></td></tr> <tr> <td>01.10.2019 to 30.09.2020</td><td>₹124,384</td><td>₹120,479</td></tr> </tbody> </table> <p>Therefore, in accordance with PGLM Guidelines, the highest value of ₹124,384 was taken into consideration.</p>	Period	As Per TR 112 of 2019	As per valuation report dated 27.09.2019	01.10.2017 to 30.09.2018	₹115,000		01.10.2018 to 30.09.2019	₹119,600		01.10.2019 to 30.09.2020	₹124,384	₹120,479
Period	As Per TR 112 of 2019	As per valuation report dated 27.09.2019												
01.10.2017 to 30.09.2018	₹115,000													
01.10.2018 to 30.09.2019	₹119,600													
01.10.2019 to 30.09.2020	₹124,384	₹120,479												
(c).	To furnish a copy of the TR no. 112 dated 20.08.2019 along with all Annexures.	Copy of TR No.112 dated 20.08.2019 and annexures thereto are furnished.												
(iv).	Likewise, in respect of the land at RR – 1304 and RR - 1768, the Valuer has arrived at the market value of the land at ₹1,90,717/- per sq.m. in his Report of June 2018. The LAC in its Report has however, decided to consider the market value of the land at RR – 1304 at ₹ 2,06,624/- per sq.m. This is reported to be the Value of the land arrived based on the SOR approved by TR no. 150 of 2019 as on 01.10.2017 for the Ready Reckoner Zone 2/ 22 at ₹1,91,036/- per sq.m with 4% escalation per annum as on 01 October 2019. In this regard, the MBPT to clarify/ furnish the following:													
(a)	The documentary evidence in support of the market value of the land at ₹1,91,036/-.	Copy of valuation report for ₹.191,036 is attached.												

(b)	Given that the Valuer has specifically determined the Value of the Land at RR – 1304 in his Valuation Report, the reason for consideration of alternate approach to be explained.	M/s. Patwardhan Consultants Pvt. Ltd. by their Report dated 20.05.2019 had furnished rate of ₹191,036 for RR Zone 2/22. By TR No.150 dated 24.09.2019 has approved the rate of ₹.191,036 as on 01.10.2017 with 4% increase every annum. Plot bearing RR N.1304 also falls in RR Zone 2/22. Shri Avinash Pendse, another valuer on MBPT panel had furnished the rate of ₹190,717 per sq. mtr. as on 01.10.2017 for RR No.1304. Hence, in accordance with PGLM guidelines, the highest rate of ₹191,036 was taken into consideration. After considering 4% annual increase as on 01.10.2018 and 01.10.2019, rate for the period 01.10.2019 to 30.09.2020 worked out to ₹206,624 per sq.mtr.
(c)	To furnish a copy of the TR no. 150 of 2019 along with all Annexures.	Copy of TR No.150 dated 24.09.2019 and annexures thereto are furnished.
(d)	The market value of ₹.2,06,624 per sq. mtr. is as on 01.10.2019 as seen from the LAC Report for RR No 1304 and RR No 1768. The market values and rates of rent to be updated as of 01 August 2020, the date from which the MBPT has sought approval to the Schedule of Rates.	After considering further 4% increase as on 01.10.2020, rate for the period 01.10.2020 to 30.09.2021 works out to ₹.214,889 per sq.mtr.
(v)	In respect of the area at RR No.742, and as per the LAC Report dated 24 February 2020, the Market Value of Land per Sq.mtr is ₹1,84,131.58. The Rate of Rent per Sq.mtr per month at 6% of the market value works out to ₹.920.66, which has been proposed by MBPT in the proposed schedule of Rates. However, the Market value of ₹.1,84,131.58 per Sq.mtr. is as of the year 2019 as per the Valuation Report of Shri Avinash Pendse. The market value of the land as of the year 2020 is ₹.1,91,496.85 as indicated in the Valuation Report. Since the MBPT seeks approval for the Schedule of Rates w.e.f. 01 August 2020, the market value of land and rate of rent to be updated suitably reflecting the position as of the year 2020.	After considering further 4% increase as on 01.10.2020, rate for the period 01.10.2020 to 30.09.2021 works out to ₹191,497 per sq.mtr.
(vi)	In respect of the area at RR – 1768, the Valuer's Report does not reflect the market value of the structure at ₹.61,115/- per sq.m. Thus documentary evidence in support of the market value of the structure at ₹.61,115/- per sq.m., to be furnished.	Copy of valuation report dated 02.12.2019 is attached. [Reference to the method is at Sl.No.4 on page no.4 of the valuation report]
(vii)	The note no. 2 proposed by MBPT in the proposed Rent Schedule lacks clarity. The MBPT to examine the said note and propose changes in the said note so as to remove any ambiguity.	Note is amended as – “These rates are not applicable to Way Leave / Special Way Leave Charges”

(viii)	The notes prescribing annual escalation on the rentals and the validity of the proposed Rent Schedule to be 5 years to be proposed.	Note is amended as – "These rates are valid upto 30.09.2022 with 4% increase every October".
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4.2. The MBPT while furnishing the additional information/ clarification vide its above-said letter dated 28 January 2021 has also furnished the updated Schedule of Rates for the period 01.10.2020 to 30.09.2021, which is given below:

FMV and SOR For vacant Plots for the period 01.10.2020 to 30.09.2021

Sl. No.	RR Zone	Plot No.	Fair Market Value per Sq. Mtr. for FSI 1.00 (In ₹.)	SOR [6% return per annum on FMV per sq. mtr. per month for FSI 1.00 (with 4% escalation in every October) (In ₹.)
(1)	(2)	(3)	(4)	(5)
1	14/101	RR No. 1823 (FCI) – Industrial Use	1,29,376.00	647.00
2	14/101	RR 2023 – Industrial Use	1,29,376.00 (Land) 10,608.00 (Structure)	647.00 (Land) 53.00 (Structure)
3	14/101	Plot No. 25 – Industrial Use	1,29,376.00 (Land) 10,608.00 (Structure)	647.00 (Land) 53.00 (Structure)
4	14/101	107 – Industrial use	1,29,376.00	647.00
5	11/86	RR No. 1984 – Industrial use	1,35,200.00	676.00
6	3/35	RR No. 742 – Commercial use	1,91,497.00	957.00
7	Titwala	Survey No.21 and 166 - Green Zone	2,870.00	14.00
	Titwala	Survey No.21 and 166 - Residential/ Industrial	23,139.00	116.00
	Titwala	Survey No.21 and 166 -Road/Public utilities	8,320.00	42.00
8	2/22	RR No. 1304 - Commercial use	2,14,889.00	1,074.00
9	2/22	RR 1768 (Plot B) – Commercial use	2,14,899.00 (Land) 63,560.00 (Structure)	1074.00 (Land) 318.00 (Structure)

Notes :

1. These rates are valid upto 30.09.2022 with 4% increase every October. First such 4% increase will be due on 01.10.2021
2. Rent will be worked out on the basis of Actual Built-Up Area, subject to minimum of FSI 1.00.
3. These rates are not applicable to Way Leave/ Special Way Leave Charges.
4. Above rates are exclusive of all Taxes (GST, Municipal Taxes, etc.), Service Charges, Penalties, Interest. etc. Same are separately payable by lessees, as may be applicable.
5. These rates are applicable for Non-Home Occupations.

6. These rates are applicable to respective plots for E-Tender-cum-E-Auction only.

5. A joint hearing on the case in reference was held on 17 November 2020 through Video Conferencing. At the joint hearing, MBPT made a brief power point presentation of its proposal. The MBPT and the users/ user organisations have made their submissions during the joint hearing:

6. The proceedings relating to consultation in this case are available on records at the office of this Authority. An excerpt of the comments received from the users / user organisations and arguments made by the concerned parties will be sent separately to them. These details will also be made available at our website <http://tariffauthority.gov.in>.

7. With reference to totality of information collected during the processing of this case, the following position emerges:

- (i). The Mumbai Port Trust (MBPT) is reported to own vast areas of land in the City of Mumbai, stretching from Colaba to Wadala, Mahim, Worli, Govandi, and Titwala. The MBPT has earmarked 09 vacant plots (located in the different Ready Reckoner Zones) for allotment on lease through the process of e-tendering-cum-e-auction to the Public/ Private/ Government/ PSU Sector. Accordingly, the MBPT has come up with a proposal for fixation of lease rentals in respect of the said 9 Vacant Plots to be allotted by E-Tender-cum-Auction method. The proposal of the port has the approval of its Board of Trustees.
- (ii). The MBPT has filed its proposal in July 2020. The said proposal alongwith the information/ clarification furnished by MBPT during the processing of the case, is considered in this analysis.
- (iii). This Authority is mandated to follow the Land Policy Guidelines issued by the Government from time to time for the purpose of determining lease rentals for the lands belonging to the Port Trusts. The Ministry of Shipping in the Government of India has announced Land Policy Guidelines for Major Ports, 2014 in January 2014 which has come into effect from 2 January 2014. Subsequently, the Ministry of Shipping has issued amended Land Policy Guidelines, 2014 under Section 111 of the MPT Act, 1963 for implementation with effect from 17 July 2015. Thus, the MBPT has, come up with a proposal for fixing Scale of Rates (SOR) for allotment of land in respect of 9 Vacant Plots following E-Tender-cum-Auction method, based on the provisions of the Land Policy Guidelines 2014, as amended in July 2015, and read along with the various Clarification Circulars issued by the Ministry of Ports, Shipping and Waterways (MOPSW) [erstwhile Ministry of Shipping (MOS)], from time to time.
- (iv). As per clause 13(a) read with clause 11.2(e) of the Land Policy Guidelines 2014, a Land Allotment Committee (LAC) constituted by the Port Trust Board consisting of Deputy Chairman of the Port, and Heads of Departments of Finance, Estate and Traffic shall determine the market value of land as per the methodology prescribed in clause 13(a). Accordingly, the MBPT has reported about constitution of a Land Allotment Committee (LAC) headed by the Dy. Chairman of the Port and the Heads of Departments of Finance, Traffic and Estate being the other members. The LAC so constituted is seen to have submitted separate Reports determining the market value of each of the 9 plots of land proposed to be allotted.
- (v). (a). Para 13(a) of the Land policy guidelines of July 2015 prescribes the methodology for determination of market value of the land based on the five factors as prescribed therein. In terms of the said para of the

amended Land policy guidelines of 2014, the Land Allotment Committee may normally take into account the highest of the factors mentioned therein, viz. (i). State Government ready reckoner of land values in the area if available for similar classification/ activities, (ii). Highest rate of actual relevant transactions registered in the last three years in the Port's vicinity with an appropriate annual escalation rate to be approved the Port Trust Board, (iii). Highest accepted tender-cum-auction rate of Port land for similar transactions, updated on the basis of the annual escalation rate approved by the Port Trust Board, (iv). Rate arrived at by an approved valuer appointed for the purpose by the Port and (v). Any other relevant factor as may be identified by the Port. The amended Land Policy guidelines of 2014 also stipulates that in case the LAC is not choosing the highest factor, the reasons for the same have to be recorded.

- (b). To determine the market value of the various plots of land based on the five factors as prescribed in the amended Land Policy Guidelines, the MBPT is seen to have appointed a Valuer. The Valuer has submitted his Report for each of the plot of land, which has been considered by the LAC, while determining the market value of the land for each of the Plots.
- (vi). Based on the value of the land as suggested by the Valuer for each of the 9 vacant plots, the LAC has recommended the Lease rentals for each of the 9 vacant plots separately, based on which the MBPT has proposed a Schedule of lease rentals for 9 vacant plots. The analysis in respect of each plot of land is discussed below:

(a). Ready Reckoner Zone 14/101 - comprising of Plot no. 2023, 1823 (FCI), 25 and 107 which are all proposed to be put for Industrial Use—

- (i). In connection with the Valuation pertaining to the Ready Reckoner Zone 14/101 as per various methods as stipulated in the Guidelines, the valuation report of September 2019, has indicated the value of the land as per the Stamp Duty Ready Reckoner of 2019-20 at ₹42,200/- per sq.m. and the depreciated cost of construction at ₹ 10181.80 per sq.m. (i.e. ₹ 2.68 crores being the depreciated cost of construction for a built up area of 2631.82 sq.m.). The Valuer has stated that there are neither any tender cum auction of the port land for similar transactions nor any sale transactions has occurred in the past 3 years in the vicinity. The Valuer has also determined the market value of the land considering the existing infrastructure facilities such as water front area, basin area, future use and uniqueness of location at ₹ 1,20,479/- per sq.m. and the depreciated cost of construction at ₹ 3818.18 per sq.m (i.e. ₹ 1.01 crores being the depreciated cost of construction for a built up area of 2631.82 sq.m.).
- (ii). However, the LAC in its Report has decided to consider the market value of the land at Ready Reckoner Zone 14/101 at ₹ 1,24,400/- per sq.m. This is reported to be the Value of the land arrived based on the SOR approved by TR no. 112 dated 20.08.2019 for the period 01.10.2017 to 30.09.2022 for the Ready Reckoner Zone 14/101 at ₹ 1,15,000/- per sq.m with 4% escalation per annum as on 01 October 2019. Since the escalated market value of ₹ 1,24,400/- per sq.m after considering 4% annual

escalation is seen to be more than the market value of land as determined the Valuer, the LAC has recommended the market value of the land at Ready Reckoner Zone 14/101 at ₹ 1,24,400/- per sq.m.

- (iii). It is noteworthy that the MBPT while furnishing the additional information/ clarification in January 2021 has further updated the market value of land by 4% so as to arrive at the updated market value of the land at ₹ ₹ 1,29,376/- per sq.m. as on 01 October 2020. This has now been considered as the market value for the Plot nos. 2023, 1823 (FCI), 25 and 107, falling within the Ready Reckoner Zone 14/101.
- (iv). As regards the cost of the structures, the depreciated cost of construction at ₹ 10181.80 per sq.m. has been recommended by the LAC, based on the Stamp Duty Ready Reckoner of 2019-20, which has been rounded off by MBPT to ₹ 10200/- per sq.m. Incidentally, the MBPT while furnishing the additional information/ clarification in January 2021 has further updated the market value of structure by 4% so as to arrive at the updated market value of the land at ₹ 10608/- per sq.m. as on 01 October 2020. This has now been considered as the market value of the structures in the Plot nos. 2023 and 25, falling within the Ready Reckoner Zone 14/101.
- (v). Clause 13(b) of the guidelines stipulates that Reserve Price in terms of annual lease rent would be arrived, as a percentage of latest market value of land determined based on the five factors in accordance with para 13(a) and that the percentage should not be less than 6% which is to be fixed by the Port Trust Board.

Accordingly, the lease rental for the Plot nos. 2023, 1823 (FCI), 25 and 107, falling within the Ready Reckoner Zone 14/101, has been arrived by MBPT at 6% of the market value of the land at ₹ 1,29,376/- per sq.m which works out to ₹ 647/- per sq.m per month.

Likewise, the lease rental for the structures in the Plot nos. 2023 and 25, falling within the Ready Reckoner Zone 14/101 has been arrived by MBPT at 6% of the depreciated cost of the structure at ₹ 1,29,376/- per sq.m which works out to ₹ 53/- per sq.m per month.

(b). Ready Reckoner Zone 11/86 - comprising of Plot no. 1984, which is proposed to be put for Industrial Use –

- (i). In connection with the Valuation pertaining to the Ready Reckoner Zone 11/86 as per various methods as stipulated in the Guidelines, the valuation report of December 2019, has indicated the value of the land as per the Stamp Duty Ready Reckoner of 2019-20 at ₹ 27,200/- per sq.m. The Valuer has stated that there are neither any tender cum auction of the port land for similar transactions nor any sale transactions has occurred in the past 3 years in the vicinity. The Valuer has also determined the market value of the land considering the existing infrastructure facilities

such as water front area, basin area, future use and uniqueness of location at ₹1,30,000/- per sq.m.

- (ii). The LAC in its Report has decided to consider the highest market value of the land at ₹1,30,000/- per sq.m. for the plot of land at Ready Reckoner Zone 11/86.
- (iii). It is noteworthy that the MBPT while furnishing the additional information/ clarification in January 2021 has further updated the market value of land by 4% so as to arrive at the updated market value of the land at ₹ 1,35,200/- per sq.m, as on 01 October 2020. This has now been considered as the market value for the Plot no. 1984 falling within the Ready Reckoner Zone 11/86.
- (iv). Clause 13(b) of the guidelines stipulates that Reserve Price in terms of annual lease rent would be arrived, as a percentage of latest market value of land determined based on the five factors in accordance with para 13(a) and that the percentage should not be less than 6% which is to be fixed by the Port Trust Board.

Accordingly, the lease rental for the Plot no. 1984 falling within the Ready Reckoner Zone 11/86, has been arrived by MBPT at 6% of the market value of the land at ₹ 1,35,200/- per sq.m which works out to ₹ 676/- per sq.m per month.

(c). Ready Reckoner Zone 3/35 - comprising of Plot no. 742, which is proposed to be put for Commercial Use –

- (i). In connection with the Valuation pertaining to the Ready Reckoner Zone 3/35 as per various methods as stipulated in the Guidelines, the valuation report of February 2020, has indicated the value of the land as per the Stamp Duty Ready Reckoner of 2019-20 at ₹ 78,400/- per sq.m. The Valuer has stated that there are neither any tender cum auction of the port land for similar transactions nor any sale transactions has occurred in the past 3 years in the vicinity. The Valuer has also determined the market value of the land considering the values of sale and purchases at ₹ 1,84,131.58 per sq.m.
- (ii). The LAC in its Report has decided to consider the highest market value of the land at ₹ 1,84,131.58 per sq.m. for the plot of land at Ready Reckoner Zone 3/35.
- (iii). It is noteworthy that the MBPT while furnishing the additional information/ clarification in January 2021 has further updated the market value of land by 4% so as to arrive at the updated market value of the land at ₹ 1,91,497/- per sq.m. as on 01 October 2020. This has now been considered as the market value for the Plot no. 742 falling within the Ready Reckoner Zone 3/35.
- (iv). Clause 13(b) of the guidelines stipulates that Reserve Price in terms of annual lease rent would be arrived, as a percentage of latest market value of land determined based on the five factors in

accordance with para 13(a) and that the percentage should not be less than 6% which is to be fixed by the Port Trust Board.

Accordingly, the lease rental for the Plot no. 1984 falling within the Ready Reckoner Zone 11/86, has been arrived by MBPT at 6% of the market value of the land at ₹ 1,91,497/- per sq.m which works out to ₹ 957/- per sq.m per month.

(d). Ready Reckoner Zone Titwala - comprising of Survey no. 21 and 166, which is proposed to be utilized as a Green Zone, Residential/ Industrial Use as well as to be used for road/ public utilities –

- (i). In connection with the Valuation pertaining to Survey no. 21 and 166 at Titwala, as per various methods as stipulated in the Guidelines, the valuation report of February 2019, has indicated the value of the land as per the Stamp Duty Ready Reckoner of 2018-19 at ₹6,900/- per sq.m. for both the Survey numbers. The Valuer has stated that there are neither any tender cum auction of the port land for similar transactions nor any sale transactions has occurred in the past 3 years in the vicinity. The Valuer has also determined the market value of the land considering the average value of sale and purchases of residential property at ₹ 22,249/- per sq.m. As regards land to be used as Green Zone, the Valuer has considered 40% of the Stamp Duty Ready Reckoner of 2018-19 at ₹ 6,900/- per sq.m. i.e. ₹ 2760/- per sq.m as the market value for both the Survey numbers.
- (ii). The LAC in its Report has decided to consider the highest market value of the land at ₹22,249/- per sq.m. for residential/ industrial use and the value of Green Zone, as given by the Valuer for both the Survey numbers. As regards land to be used for roads/ public utilities, the LAC has decided to consider the market value at ₹ 8000/- per sq.m, by relying on the Note forming part of the Valuer's report which indicates that the prevailing rate of TDR in the vicinity is ₹ 4000/- per sq.m., which fluctuates depends on the market conditions and the quantum of TDR shall be double for the road infrastructure.
- (iii). It is noteworthy that the MBPT while furnishing the additional information/ clarification in January 2021 has further updated the market value of land by 4% so as to arrive at the updated market value as on 01 October 2020 for all types of land listed above i.e. at ₹ 23,139/- per sq.m. for residential/ industrial use, ₹ 8,320/- for roads/ public utilities and ₹ 2,870/- per sq.m. for Green Zone. This has now been considered as the market value for the Survey no. 21 and 166 at Titwala, which is proposed to be utilized as a Green Zone, Residential/ Industrial Use as well as to be used for road/ public utilities.
- (iv). Clause 13(b) of the guidelines stipulates that Reserve Price in terms of annual lease rent would be arrived, as a percentage of latest market value of land determined based on the five factors in accordance with para 13(a) and that the percentage should not be less than 6% which is to be fixed by the Port Trust Board.

Accordingly, the lease rental for the residential/ industrial use has been arrived by MBPT at 6% of the market value of the land at ₹ 23,139/- per sq.m which works out to ₹ 116/- per sq.m per month, the lease rental for the Green Zone with a market value of land of ₹ 2,870/- per sq.m. has been worked out at ₹ 14/- per sq.m per month and the lease rental for the road/ public utilities with a market value of land of ₹ 8,320/- per sq.m. has been worked out at ₹ 42/- per sq.m per month.

(e). Ready Reckoner Zone 2/22 - comprising of Plot no. 1304 and 1768 (Plot B) which is proposed to be put for Commercial Use –

- (i). In connection with the Valuation pertaining to the Ready Reckoner Zone 2/22 as per various methods as stipulated in the Guidelines, the valuation report of June 2018, has indicated the value of the land as per the Stamp Duty Ready Reckoner of 2018-19 at ₹1,01,300/- per sq.m. The Valuer has stated that there are neither any tender cum auction of the port land for similar transactions nor any sale transactions has occurred in the past 3 years in the vicinity. The Valuer has also determined the market value of the land considering the existing infrastructure facilities at ₹ 1,90,717/- per sq.m.
- (ii). However, the LAC in its Report has decided to consider the market value of the land at Ready Reckoner Zone 2/22 at ₹ 2,06,624 per sq.m. This is reported to be the Value of the land as arrived based on the SOR approved by TR no. 150 of 2019 as on 01.10.2017 for the Ready Reckoner Zone 2/22 at ₹ 1,91,036/- per sq.m with 4% escalation per annum as on 01 October 2019. Since the escalated market value of ₹ 1,91,036/- per sq.m after considering 4% annual escalation is seen to be more than the market value of land as determined the Valuer, the LAC has recommended the market value of the land at Ready Reckoner Zone 2/22 at ₹ 1,91,036/- per sq.m.
- (iii). It is noteworthy that the MBPT while furnishing the additional information/ clarification in January 2021 has further updated the market value of land by 4% so as to arrive at the updated market value of the land at ₹ 2,14,889/- per sq.m. as on 01 October 2020. This has now been considered as the market value for the Plot no. 1304 and 1768 (Plot B), falling within the Ready Reckoner Zone 2/22.
- (iv). Clause 13(b) of the guidelines stipulates that Reserve Price in terms of annual lease rent would be arrived, as a percentage of latest market value of land determined based on the five factors in accordance with para 13(a) and that the percentage should not be less than 6% which is to be fixed by the Port Trust Board.

Accordingly, the lease rental for the Plot no. 1304 and 1768 (Plot B) falling within the Ready Reckoner Zone 2/22, has been arrived by MBPT at 6% of the market value of the land at ₹ 2,14,889/- per sq.m which works out to ₹ 1074/- per sq.m per month.

(v). As regards the Structure at Plot no. 1768 (Plot B) within the Ready Reckoner Zone 2/22, The Valuer has determined the Value of the Structure at ₹ 61,115/- per sq.m. While furnishing the additional information/ clarification in January 2021, the MBPT has further updated the market value of land by 4% so as to arrive at the updated market value of the structure at ₹ 63,560/- per sq.m. as on 01 October 2020. As stipulated in Clause 13(b) of the guidelines, 6% of the market value of the said land which works out to ₹.318/- per sq.m., has been prescribed as the rental for the structure at Plot no. 1768 (Plot B) within the Ready Reckoner Zone 2/22.

(f). A statement showing the Market value of land under different methods and rate for sq. mtr. per month is given below :

Market value of land under different methods and scale of rates

Ready Reckoner Zone	Stamp duty ready reckoner rate (in ₹ per sq. mtr.) 2019-20	Depreciated cost of construction as on 01.10.2020 (₹ Per sq.mtr.)	Highest rate of actual relevant transactions in the last 3 years	Highest accepted Tender-cum-auction rate of port land	Rate arrived at by an approved valuer (per sq. mtr.)		Market value as per LAC (per sq.mtr)	Rate per sq. mtr. Per month	
					Land	Structure		Land	structure
14/101	42,200	10,608	NIL	NIL	120,479	3818.18	129,376	647	53
11/86 (plot No.1984)	27,200	NIL	NIL	NIL	130,000	NIL	135,200	676	NIL
3/35 (plot No.742)	78,400	NIL	NIL	NIL	184,1312	NIL	191,497	957	NIL
Titwala (Survey No. 21 and 166) (Residential/ industrial)	6,900	NIL	NIL	NIL	22,249	NIL	23,139	116	NIL
Green Zone	NIL	NIL	NIL	NIL	2,760	NIL	2,870	14	NIL
Roads/ Public utilities	NIL	NIL	NIL	NIL	NIL	NIL	8,320	42	NIL
2/22 (plot no. 1304 and 1768)	101,300	NIL	NIL	NIL	190,717	61,115	For Land 214,889 For structure 63,560	1074	318

Note :

- Figures shown in bold are the highest market value recommended by LAC and approved by Board of MBPT.
- Rate per sq.mtr. per month is arrived by LAC at 6% of the highest market value of Land and Structure.

(vii). Clause 13(b) of the guidelines stipulates that Reserve Price in terms of annual lease rent would be arrived, as a percentage of latest market value of land determined based on the five factors in accordance with para 13(a) and that the percentage should not be less than 6% which is to be fixed by the Port Trust

Board. Accordingly, the lease rental has been arrived by MBPT at 6% of the market value.

- (viii). Considering that the market value of the land as determined by the Valuer has been recommended by the LAC, subject to modifications in market value as modified by LAC as discussed, and given that the Board of Trustees of MBPT has approved the recommendation of the LAC and also since there have been no objections from any of the users, who have been consulted in the case in reference, this Authority is inclined to prescribe the Schedule Lease Rentals for the 9 vacant plots at various zones of MBPT, as proposed by the MBPT.
- (ix). In the subject proposal, the MBPT has sought approval for the lease rent with retrospective effect from 01 October 2020. It is noteworthy that this Authority does not ordinarily give retrospective effect to the Order. But, in cases governed by special circumstances, it does require retrospective application of its Order. In a case relating to an agreement between New Mangalore Port Trust and the Kudremukh Iron Ore Company Ltd., on the advice of Ministry of Law, the (then) Ministry of Surface Transport had vide its Communication No. PR-14011/5197-P4 dated 16 March 1998 advised this Authority to give retrospective effect. Similarly, based on proposals received from MBPT, retrospective effect was given for recovery of way leave charges leviable as per the agreement between ONGC and MBPT as well as for the levy of Special Way Leave Charges and for lease rent for Land at Govandi.
- (x). The MBPT has sought approval for prescription of market value of the land for the 9 vacant plots at various RR Zones of MBPT as well as the lease rent. In this regard, it is to state that the Major Port Trusts Act, 1963 mandates this Authority to notify Scale of Rates and Statement of conditions for use of port properties. Also, the Land Policy Guidelines, mandates this Authority to prescribe lease rent based on the market value of the land. Thus, this Authority notifies only the lease rent and not the market value of the land.
- (xi). The MBPT is seen to have proposed a note to the effect that the lease rentals are valid upto 30.09.2022 with 4% increase every October and that first such increase will be effective from 01 October 2021.

In this regard, it is relevant here to mention that Clause 13(c) of the Land Policy Guidelines of 2014 stipulates that the Port Trust Board will fix a rate of annual escalation which would not be less than 2% and also mentions that the SOR would be re-fixed once in 5 years by TAMP. Accordingly, the MBPT has proposed 4% annual escalation. Also, since the lease rent being approved is for the period beginning 01 October 2020, the said lease shall be subject to its first annual escalation on 01 October 2021, in line with the Land Policy Guidelines, 2014. However, the MBPT has proposed the validity upto 30.9.2022 i.e. only for 2 years, which is changed to 30.09.2025. Accordingly, the Note prescribed is changed to the effect.

- (xii). The MBPT has proposed another note to the effect that the rent will be worked out on the bases of the Actual Built-up area, subject to minimum of FSI 1.00. Since the said note gives clarity and would avoid ambiguity, the proposed note is approved. However, if rate will increase for higher FSI, the MBPT is advised to seek the approval of this Authority for such higher rate with due justification.
- (xiii). The MBPT has proposed another note to the effect that the rates are not applicable to Way Leave/ Special Way Leave Charges. In this regard, it is to state

that the MBPT has not envisaged levy of any Way leave/ Special way leave charges in the said plots of land. The judgment of the port in this regard is relied upon. However, if MBPT envisages any Way leave/ Special Way Leave in the said 9 vacant plots in future, the MBPT is advised to seek the approval of this Authority for Way leave/ Special Way Leave with due justification following Land Policy Guidelines, 2014.

- (xiv). The MBPT has also proposed a note to the effect that the rates are exclusive of all Taxes (GST, Municipal Taxes, etc.), Penalties, Interest. etc. and that the same are separately payable by lessees, as may be applicable. In this regard, it is to state that the tariff approved by this Authority is exclusive of any taxes and statutory duties. The taxes and statutory duties are to be levied by the Port at the applicable rates on the tariff so approved by this Authority. In view of this position, the note as proposed by the Port is approved.
- (xv). The MBPT has also proposed a note to the effect that the rates are applicable for Non-Home Occupations. As brought out earlier, the various plots of lands are reported to be allotted for commercial and industrial uses. As such the proposed note is approved.
- (xvi). Clause 13 (C) of the amended Land Policy Guidelines, 2014 stipulates that the rates will be revised once in every five years by this Authority. Since the rental is being prescribed with effect from 01 October 2020, accordingly, a note has been prescribed in the Rent Schedule that the annual lease rentals shall remain in force for a period of five years thereon.

8. In the result, and for the reasons given above, and based on a collective application of mind, this Authority approves the Schedule of lease rentals for 9 vacant plots at various RR Zones of MBPT to be allotted by E-Tender-cum-Auction method by MBPT for the period 01 October 2020 to 30 September 2025, as attached as **Annex**.

T.S. Balasubramanian,
Member (Finance)

Annex.

Schedule of Rates (SOR) for the 9 plots

Sl. No.	RR Zone	Plot No.	Rate Per Sq. Mtr Per Month As On 01.10.2020 (In ₹)
(1)	(2)	(3)	(4)
1	14/101	RR No. 1823 (FCI) – Industrial Use	647.00
2	14/101	RR 2023 – Industrial Use	647.00 (Land) 53.00 (Structure)
3	14/101	Plot No. 25 – Industrial Use	647.00 (Land) 53.00 (Structure)
4	14/101	107 – Industrial use	647.00
5	11/86	RR No. 1984 – Industrial use	676.00
6	3/35	RR No. 742 – Commercial use	957.00
7	Titwala	Survey No.21 and 166 – Green Zone	14.00
	Titwala	Survey No.21 and 166 - Residential/ Industrial	116.00
	Titwala	Survey No.21 and 166 -Road/ Public utilities	42.00
8	2/22	RR No. 1304 - Commercial use	1074.00
9	2/22	RR 1768 (Plot B) – Commercial use	1074.00 (Land) 318.00 (Structure)

Notes:

1. The lease rental shall remain in force for a period of five years effective from 1 October 2020 to 30 September 2025 subject to increase @ 4% p.a every October. First such 4% increase will be due on 01.10.2021
2. Rent will be worked out on the basis of Actual Built-Up Area, subject to minimum of FSI 1.00.
3. These rates are not applicable to Way Leave / Special Way Leave Charges.
4. Above rates are exclusive of all Taxes (GST, Municipal Taxes, etc.), Service Charges, Penalties, Interest. etc. Same are separately payable by lessees, as may be applicable.
5. These rates are applicable for Non-Home Occupations.
6. These rates are applicable to respective plots for E-Tender-cum-E-Auction only.

SUMMARY OF THE COMMENTS RECEIVED FROM THE PORT USERS / USER ORGANISATIONS AND ARGUMENTS MADE IN THIS CASE DURING THE JOINT HEARING BEFORE THE AUTHORITY.

TAMP/26/2020-MBPT : Mumbai Port Trust (MBPT) seeking approval of Schedule of Lease Rentals in respect of 9 Vacant Plots at various places in Mumbai to be allotted by E-Tender-cum-Auction method at Mumbai Port Trust (MBPT).

A summary of the comments received from some of the users / user organisations are given below:

Sr. no	Comments of Users or user organizations
1.	Pt. Yashodeo Educational Charitable Society / Trust Our Trust named Pt. Yashodeo Educational Charitable Trust is ready to take the land on lease to establish world-class Bharat Ratna Atal Bihari Vidyapeeth. Our previous application dated 24.11.2014 is already in your possession. Unfortunately, you have not sent the details of the existing plots. Would be interested for ready-made premises where Medical Hospital & Other Infrastructure is readily available, because we want to set up Medical, Engineering, Management etc. colleges, preferably in the vicinity of Mumbai. Will be interested for attachment with your hospital located at Wadala and other places.
2.	Jeevan Jyot Cancer Relief & Care Trust It is an Non-profit, Non-Government organization since 37 years old trust. Requesting to allot us any abandoned plot at nominal and affordable cost / price. Since, we are running on donations and blessings of the cured patients, monthly rental of ₹.10000/- per month can be given. In this ongoing pandemic there is decrease in donations and the amount of work is increased.

2. In view of the outbreak of COVID – 19 and in pursuance of the Ministry of Shipping (MOS) letter No. 11053/30/2020-Coord. dated 16 April 2020 to hold virtual meetings, a joint hearing on the case in reference was held on 17 November 2020 through Video Conferencing. At the joint hearing, MBPT made a brief power point presentation of its proposal. The MBPT and the users/ user organisations have made the submissions during the joint hearing.

Mumbai Port Trust (MBPT)

- (i). 9 vacant plots are earmarked for allotment through the process of e-tendering-cum-e-auction method for leases of land to the Public/Private/Govt./PSU Sector. These plots are falling in five Ready Reckoner zones.
- (ii). Registered Valuers were empaneled for valuation of plots. The empaneled valuers submitted their Land Valuation Reports. The Land Allotment Committee, after perusal of valuation reports, has

deliberated on each case of vacant plot and recommended the market value of the land based on the valuation report in respect of each of these 09 vacant plots. Market values have been computed as per the present FSI and land use permissible under the present DC Regulations and for the permissible activities as given by the Advisor (Planning) in respect of each plot.

- (iii). The recommendation of the LAC has been approved by the Board of Trustees of MBPT.
- (iv). The MBPT in its presentation has indicated through Maps, the location of each of the nine plots. Plot wise details are also shown.

ITM University

- (i). We need time to give our comments.

[Member (F): You can submit your comments within 10 days.]

Amit Infra Logic India P. Ltd

- (i). We also need time to give our comments.

[Member (F): You can submit your comments within 10 days.]

Youth Welfare Centre

- (i). We want a copy of powerpoint presentation.

[MBPT agrees to share the copy with YWC].

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)
Tariff Authority for Major Ports

G.No.453

New Delhi,

8 October 2021

NOTIFICATION

In exercise of the powers conferred under Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the application received from Mumbai Port Trust (MBPT) seeking amendment to the Order No. TAMP/26/2020-MBPT dated 16 March 2021 passed by this Authority approving the Schedule of Lease Rentals in respect of 9 Vacant Plots at various places in Mumbai to be allotted by E-Tender-cum-Auction method at MBPT, as in the Order appended hereto.

T.S. Balasubramanian,
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/26/2020-MBPT

The Mumbai Port Trust

Applicant

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
(ii). Shri. Sunil Kumar Singh, Member (Economic)

ORDER

(Passed on this 15th day of September, 2021)

This case relates to an application dated 02 August 2021 received from Mumbai Port Trust (MBPT) seeking amendment to the Order No. TAMP/26/2020-MBPT dated 16 March 2021 passed by this Authority approving the Schedule of Lease Rentals in respect of 9 Vacant Plots at various places in Mumbai to be allotted by E-Tender-cum-Auction method at MBPT.

2. It may be recalled that this Authority vide its Order No. TAMP/26/2020-MBPT dated 16 March 2021 has disposed the proposal received from MBPT seeking approval for Schedule of Lease Rentals in respect of 9 Vacant Plots at various places in Mumbai to be allotted by E-Tender-cum-Auction method at MBPT. The said order has been notified in the Gazette of India on 12 April 2021 vide Gazette No. 165.

3. In this backdrop, the MBPT vide its letter No.FA/OEA-L/13(20)/Gen/164 dated 2 August 2021 has requested to amend certain paras i.e. Para 7 (xi) as well as Note 1 of Annexure and Para 7(xii) of the order No. TAMP/26/2020-MBPT dated 16 March 2021. The submissions made by the MBPT in its application dated 2 August 2021 and the reasons for proposed amendment are tabulated below:

Sr. No.	Existing para	Proposed amendment	Reason for amendment
a.	Para 7 (xi) of the Order		
	<p>"The MBPT is seen to have proposed a note to the effect that the lease rentals are valid upto 30.09.2022 with 4% increase every October and that first such increase will be effective from 01 October 2021." In this regard, it is relevant here to mention that Clause 13 (c) of the Land Policy Guidelines of 2014 stipulates that the Port Trust Board will fix a rate of annual escalation which would not be less than 2% and also mentions that the SOR would be re-fixed once in 5 years by TAMP. Accordingly, the MBPT has proposed 4% annual escalation. Also, since the lease rent being approved is for the period beginning 01 October 2020, the said lease shall be subject to its first annual escalation on 01 October 2021, in line with the Land Policy Guidelines, 2014.</p>	<p>The MBPT is seen to have proposed a note the effect that the lease rentals are valid upto 30.09.2022 with 4% increase every October and that first such increase will be effective from 01 October 2021.</p> <p>In this regard, it is relevant here to mention that Clause 13(c) of the Land Policy Guidelines of 2014 stipulates that the Port Trust Board will fix a rate of annual escalation which would not be less than 2% and also mentions that the SOR would be re-fixed once in 5 years by TAMP. Accordingly, the MBPT has proposed 4% annual</p>	<p>In terms of Para 13(c) of PGLM, the approval of TAMP is necessary for the fixation of latest SOR. A Writ Petition filed by MbPT challenging TAMP's notification was pending before the Hon'ble High Court since, 2000. Subsequently, after deliberations with the Ministry, and the TAMP officials, the TAMP clarified that the SOR applicable to Township areas of MbPT from 01.10.2012 to be notified by TAMP and hence the Writ Petition was withdrawn from High Court by MbPT. In terms of clause 13 of PGLM, the SOR will be for 5 years. Therefore, revision of</p>

	However, the MBPT has proposed the validity upto 30.9.2022 i.e. only for 2 years, which is changed to 30.09.2025. Accordingly, the Note prescribed is changed to the effect."	escalation. Also, since the lease rent being approved is for the period beginning 01 October 2020, the said lease shall be subject to its first annual escalation on 01 October 2021, in line with the Land Policy Guidelines, 2014. <i>The MBPT has proposed the validity upto 30.9.2022 i.e. only for 2 years. Accordingly, the Note prescribed is changed to the effect.</i>	SOR for the period from 01.10.2017 to 30.09.2022 is to be notified by TAMP. Accordingly, proposals for approval of SOR, for the lettings in Township Area, for above period has been mooted. The notified SOR for 9 vacant plots was prepared based on recommendations of Land Allotment Committee formed as per Para 13 of PGLM 2015 and approved by the Board vide TR No.261 & 301 of 2020 for the years' period from 01.10.2017 to 30.09.2022. Therefore, the validity of the SOR for the subject 09 vacant plots has been decided to be upto 30.09.2022 to bring the uniformity in SoR period of MbPT.
b.	Note 1 in Annexure (SOR)		
	"The lease rental shall remain in force for a period of five years effective from 1 October 2020 to 30 September 2025 subject to increase @ 4% p.a every October. First such 4% increase will be due on 01.10.2021."	The lease rental shall remain in force for a period effective from 1 st October 2020 to 30 th September 2022 subject to increase @ 4% p.a. every October. First such 4% increase will be due on 01.10.2021.	
c.	Para 7(xii) of the Order		
	"The MBPT has proposed another note to the effect that the rent will be worked out on the bases of the Actual Built-up area, subject to minimum of FSI 1.00. Since the said note gives clarity and would avoid ambiguity, the proposed note is approved. However, if rate will increase for higher FSI, the MBPT is advised to seek the approval of this Authority for such higher rate with due justification."	The MBPT has proposed another note to the effect that the rent will be worked out on the basis of the Actual Built-up area, subject to minimum FSI 1.00. Since the said note gives clarity and would avoid ambiguity, the proposed note is approved. However, <i>for higher FSI, the MbPT is advised to calculate rent proportionately as per applicable higher FSI at the same SOR rate approved by the TAMP.</i>	The SOR has been calculated taking into account FSI 1.00, which is a base unit. However, for any increased permissible FSI as per D.C. Regulations of MCGM and MbPT, SPA, rent will be calculated proportionately as per permissible FSI. There is no need to seek approval of the TAMP for increase in FSI which will be in accordance with applicable D.C. Regulations. Hence this clause needs to be amended as shown in italics.

4. With reference to the submissions made by MBPT vide its letter dated 2 August 2021, the following position emerges:

- (i). Based on a proposal filed by Mumbai Port Trust (MBPT) in July 2020, this Authority vide its Order No. TAMP/26/2020-MBPT dated 16 March 2021 has approved the Schedule of Lease Rentals in respect of 9 Vacant Plots at various places in Mumbai belonging to MBPT and to be allotted by MBPT through E-Tender-cum-Auction.

- (ii). In its proposal, the MBPT had proposed a note to the effect that the lease rentals are valid upto 30.09.2022 with 4% increase every October and that first such increase will be effective from 01 October 2021. In this regard, reference is drawn to para no. 7 (xi) of the Order dated 16 March 2021, which is reproduced below:

"The MBPT is seen to have proposed a note to the effect that the lease rentals are valid upto 30.09.2022 with 4% increase every October and that first such increase will be effective from 01 October 2021."

In this regard, it is relevant here to mention that Clause 13(c) of the Land Policy Guidelines of 2014 stipulates that the Port Trust Board will fix a rate of annual escalation which would not be less than 2% and also mentions that the SOR would be re-fixed once in 5 years by TAMP. Accordingly, the MBPT has proposed 4% annual escalation. Also, since the lease rent being approved is for the period beginning 01 October 2020, the said lease shall be subject to its first annual escalation on 01 October 2021, in line with the Land Policy Guidelines, 2014. However, the MBPT has proposed the validity upto 30.9.2022 i.e. only for 2 years, which is changed to 30.09.2025. Accordingly, the Note prescribed is changed to the effect."

As seen from above, the MBPT had proposed the validity of the rates only for a period of 2 years ending upto 30.9.2022. However, given that the Land Policy Guidelines mentions that the SOR would be re-fixed once in 5 years, the validity was prescribed for a period of five years effective from 1 October 2020 to 30 September 2025. Now, the MBPT has categorically requested that validity of the SOR for the subject 09 vacant plots be prescribed upto 30.09.2022, so as to bring the uniformity in SOR period of MBPT. In this regard, it is submitted that the lease rentals approved by the Board of Trustees for the lands of MBPT for the period from 1980 upto 30 September 2012 as per the Compromise formula had been upheld by the Hon'ble Supreme Court of India. As such, the Government had advised the MBPT in May 2019 to fix the SOR for all areas of Mumbai Port including Township areas with effect from 01 October 2012 onwards. As such, the MBPT has submitted various proposals in the past, seeking approval for lease rentals for the various areas of MBPT, for the quinquennial period from 01 October 2012 to 30 September 2017 as well as the quinquennial period from 01 October 2017 to 30 September 2022. Thus, to have uniformity in SOR period, the MBPT is seen to have proposed validity upto 30 September 2022 in respect of the Schedule of Lease Rentals for 9 Vacant Plots at various places in Mumbai. Prescription of a common validity period for all the land parcels would enable the port to file a comprehensive proposal for revision of lease rentals for the estates of MBPT (which has never materialized incase of MBPT till date), for the period beyond 30 September 2022. Based on the reasoning given by the Port and to have uniformity in the tariff validity period, this Authority is inclined to prescribe the validity upto 30 September 2022. As such, the note no. 1 forming part of the Schedule of Rates (SOR) for the 9 plots as approved vide Order dated 16 March 2021 is modified.

- (iii). In its proposal, the MBPT had also proposed another note to the effect that the rent will be worked out on the basis of the Actual Built-up area, subject to minimum of FSI 1.00. In this regard, reference is drawn to para no. 7 (xii) of the Order dated 16 March 2021, which is reproduced below:

"The MBPT has proposed another note to the effect that the rent will be worked out on the basis of the Actual Built-up area, subject to minimum of FSI 1.00. Since the said note gives clarity and would avoid ambiguity, the proposed note is approved. However, if rate will increase for higher FSI, the MBPT is advised to seek the approval of this Authority for such higher rate with due justification."

In this regard, the MBPT has conveyed that the SOR has been calculated taking into account FSI 1.00, which is a base unit and in the event of any increased permissible FSI as per D.C. Regulations of MCGM and MBPT, the MBPT proposes to calculate rent proportionately as per applicable higher FSI at the same SOR rate approved by the TAMP. It is noteworthy that the LAC in its Report (which formed part of the original proposal of MBPT of July 2020), has recommended that the rate will be proportionally increased in case the permissible FSI is increased as may be applicable for any plot by MBPT SPA/ Planning Authority's new DC Regulations.

Given that the base lease rent as approved by this Authority vide the Order dated 16 March 2021 will remain intact and would be only proportionately increased based on the FSI, this Authority is inclined to approve the proposal of MBPT in this regard.

5.1. In the result, and for the reasons give above, and based on the collective application of mind, this Authority approves to replace the existing note no. 1 and 2 forming part of the Schedule of Rates (SOR) for the 9 vacant plots as approved vide Order dated 16 March 2021, with the following notes:

- “ 1. The lease rental shall remain in force for a period of two years effective from 1 October 2020 to 30 September 2022 subject to increase @ 4% p.a every October. First such 4% increase will be due on 01.10.2021
2. Rent will be worked out on the basis of Actual Built-Up Area, subject to minimum of FSI 1.00. In the event of any increased permissible FSI as per D.C. Regulations of MCGM and MBPT, the rent will be proportionately calculated as per applicable higher FSI at the same SOR rate as approved by the TAMP.
- ”

5.2. The MBPT is advised to make suitable changes in the Schedule of Rates (SOR) for the 9 vacant plots as approved vide Order dated 16 March 2021.

T.S. Balasubramanian,
Member (Finance)

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)
TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 535

New Delhi,

01 November 2021

NOTIFICATION

In exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from Mumbai Port Trust (MBPT) for fixation of Schedule of Rates for way leave / special way leave fees of MBPT for the period 01 October 2017 to 30 September 2022, as in the Order appended hereto.

T.S. Balasubramanian,
Member (Finance)

Tariff Authority for Major Ports

Case No. TAMP/49/2021-MBPT

Mumbai Port Trust

Applicant

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
- (ii). Shri. Sunil Kumar Singh, Member (Economic)

ORDER

(Passed on this 25th day of October 2021)

This case relates to a proposal received from Mumbai Port Trust (MBPT) vide its letter No.FA/OEA-L/21(90)/Gen/229 dated 07 September 2021 seeking approval for fixation of Schedule of Rates (SOR) for way leave / special way leave fees of MBPT for the period from 01.10.2017 to 30.09.2022.

2. The proposal of MBPT is based on the amended Land Policy Guidelines, 2015. The proposal was taken on consultation with the relevant users/ tenants/ lessees. Users/ User organization have made their submissions during the proceeding of the case. The MBPT has responded to the comments of users/ users organizations. A joint hearing on the case in reference was held on 14 October 2021 through Video Conferencing. At the joint hearing, the MBPT and the users/ user organizations have made their submissions.

3. With reference to the totality of information collected during the processing of the case and based on a collective application of mind, this Authority has passed a speaking Order disposing of the proposal filed by the MBPT for fixation of Schedule of Rates for way leave / special way leave fees of MBPT for the period from 01.10.2017 to 30.09.2022.

4. This Authority desires that the following Way leave Schedule for MBPT prescribing Schedule of way leave charges for the 17 Ready Reckoner Zones for Cargo Operated and associated pipelines and for 31 Ready Reckoner Zones for Non Cargo Operated Pipelines of MBPT for the period 01 October 2017 may be notified without waiting for notification of the Speaking Order:

“

**SCHEDULE OF WAY LEAVE CHARGES OF MUMBAI PORT TRUST
FOR THE PERIOD FROM 01.10.2017 TO 30.09.2022**

(i). Special Way Leave rates as on 01.10.2017 for Cargo Operated pipelines etc.

Sr.No	Division/ Village Name	R R Zone No.	Rate per Sq. meter per month applicable for over – ground pipeline / cable as on 1.10.2017 (to be charged for FSI=1) (in ₹.)
1	Colaba	1/3	1,400.00
		1/3A	1,196.50
		1/6	983.00
		1/6A	943.00
2	Fort	2/9	750.00
		2/12	1,149.00
		2/13	915.50
		2/22	506.50
		2/23	485.00
		2/34	492.50
3	Princess Dock	3/35	392.00
		3/35B	389.50
		3/36	282.00
		3/36A	492.50
4	Malabar Hill	7/64	1287.50
		7/66	1960.50
5	Mazgaon	10/78A	258.00
		10/78B	187.50
		10/79	348.50
		10/79A	140.50
		10/80	135.50
6	Parel Sewri	11/84	475.50
		11/84A	282.00
		11/85	156.50
		11/85A	196.00
		11/86	131.00
7	Worli	13/97	567.50
8	Dadar Naigaum	14/101	201.00
		14/101A	326.00
9	Matunga	16/110	453.50
10	Mahim	17/116	608.50
		17/119	493.00
11	Mahul	90/419	97.00

Sr.No	Division/ Village Name	R R Zone No.	Rate per Sq. meter per month applicable for over – ground pipeline / cable as on 1.10.2017 (to be charged for FSI=1) (in ₹.)
12	Ambapada	96/436	226.00
13	Govandi/Deonar	100/471	533.00
14	Govandi/Borla	99/463	282.00
15	Titwala (Kdmc)	26/81	111.25
16	Kanhoji Angre		22.50
17	Jawahar Dweep	90/419	97.00

Notes:

- Above rates are exclusive of all Taxes (GST, Taxes, etc.), Service Charges, Penalties, and Interest etc. Same are separately payable by lessees, as may be applicable.
- The Special Way Leave fee for Optical Fiber Cable will be applicable as per the above rates but taking the width subject to a minimum of half a meter for computation instead of 1 mtr.
- In the event of failure of achieve Minimum Guarantee Throughput (MGT), the user should compensate the port by paying additional wharf age charges for the shortfall quantity.
- Other aspects related to Right of Way permission will be dealt with as per the extant Land Policy Guidelines.
- Way Leave/ Special Way Leave fee, whether demanded or not, shall be paid by the lessees/ tenants/ licensees on or before the 15th day of each month succeeding that for which Way Leave / Special Way Leave fee is due.
- The way leave formulae will be as under.
Way Leave fee per month on land =

$$\frac{\text{Length of pipeline} \times (\text{External dia including insulation} + 600 \text{ mm})}{1000} \times \text{rate applicable}$$

(Subject to minimum width of 1 meter)

Way Leave fee per month on trestle =

$$\frac{\text{Length of pipeline} \times (\text{External dia including insulation})}{300} \times \text{rate applicable}$$
- Way leave fees will increase by 4% every October. First such 4% increase will be effected from 1.10.2018.
- For the purpose of Right of way leave charges, the area occupied by pipelines other than those on trestle shall be calculated based on the width (subject to minimum of 1 meter) and length of those pipelines.
- Charges for way leave for occupation of air space, underground, seabed and below seabed will be 50% of the above rates. License fee for water area would be 50% of the license fee of abutting land. The way leave fee for the service shall be based on the full rates.
- Interest will not be applicable on the differential areas due to revision till raising of demand notice. If the party fails to pay as per the demand / invoice within 3 months from the receipt of demand notice / invoice, interest will be applicable at 18% per annum as per existing policy or as may be decided by Board from time to time.

(ii). Special Way Leave rates as on 01.10.2017 for non-cargo operated pipeline etc.

Sr. No.	Ready Reckoner Zone	Unit No.	Division	Rate per Sq. meter per month applicable for over - ground pipeline / cable as on 1.10.2017 (to be charged for FSI=1) (in ₹.)
A	B	C	D	G
1.	14/101	Unit 1	Dadar- Naigaum	201.00
2.	90/419 (PirPau)	Unit 1,14	Mahul	97.00
3.	10/79	Unit 2, 6,7	Mazgaon	348.50
4.	10/80	Unit 4,7,8,9,13	Mazgaon	135.50
5.	2/13	Unit 9,11,15	Fort	915.50
6.	2/22	Unit 11	Fort	506.50
7.	17/119,	Unit 14	Mahim	493.00
8.	17/116	Unit 14	Mahim	608.50
9.	14/101A	Unit-1	Dadar-Naigaum	326.00
10.	11/86	Unit-1,5,13	Parel -Sewree	131.00
11.	11/85A	Unit-3	Parel-Sewree	196.00
12.	11/85	Unit-4,5,13	Parel -Sewree	156.50
13.	11/84	Unit-2	Parel -Sewree	475.50
14.	11/84A	Unit-2	Parel -Sewree	282.00
15.	10/79A	Unit-3	Mazgaon Diyi	140.50
16.	10/78A	Unit-6,8	Mazgaon	258.00
17.	10/78B	Unit-8	Mazgaon	187.50
18.	3/36	Unit-9,14	Elphiston, Mallet Bunder	
	3/36	Unit -14	Ferry Wharf, Princess Dock.	282.00
19.	3/35	Unit-9,10,14	S D /Bunder	392.00
20.	3/35B	Unit-9,10	Princes Dock	389.50
21.	2/23	Unit-9,11,15	Mody Bay ,fort, Indira Dock	485.00
22.	2/9	Unit-11	Fort	750.00
23.	2/12	Unit-12,	Wellington Estate, Apollo Bunder, Fort	1,149.00
24.	1/6A	Unit-14,12	Jamsadji Bunder, Colaba	943.00
	1/6A	Unit-12 &14	Sassoon Dock (inside), Colaba	943.00
	1/6A	Unit -12	Apollo Estate	943.00
25.	1/3	Unit-12	Apollo Estate, Colaba	1,400.00
26.	1/3A	Unit-12	Colaba	1,196.50
27.	1/4	Unit-15	Pilot Bunder, Colaba	
28.	100/471	Unit-5	Govandi/Deonar	533.00
29.	99/463	Unit-5	Govandi/Borla	282.00
30.	26/81(Thane -Kalyan RR)	Unit-5	Titwala	111.25
31.	Jawahar Deep (Island) & land under reclamation	Unit-12,14	Nearest Zone 90/419	97.00

(All the rates for land values has been rounded to the nearest ₹.. 10/-)

Notes:

1. Above rates are exclusive of all Taxes (GST, Taxes, etc.), Service Charges, Penalties, and Interest etc. Same are separately payable by lessees, as may be applicable.
2. The Special Way Leave fee for Optical Fiber Cable will be applicable as per the above rates but taking the width subject to a minimum of half a meter for computation instead of 1 mtr.
3. Other aspects related to Right of Way permission will be dealt with as per the extant Land Policy Guidelines.
4. Way Leave/ Special Way Leave fee, whether demanded or not, shall be paid by the lessees/ tenants/ licensees on or before the 15th day of each month succeeding that for which Way Leave / Special Way Leave fee is due.
5. The way leave formulae will be as under.

Way Leave fee per month on land =

$$\text{Length of pipeline} \times \frac{(\text{External dia including insulation} + 600 \text{ mm})}{1000} \times \text{rate applicable}$$

(Subject to minimum width of 1 meter)

Way Leave fee per month on trestle =

$$\text{Length of pipeline} \times \frac{(\text{External dia including insulation})}{300} \times \text{rate applicable}$$

6. Way leave fees will increase by 4% every October. First such 4% increase will be effected from 1.10.2018.
7. For the purpose of Right of way leave charges, the area occupied by pipelines other than those on trestle shall be calculated based on the width (subject to minimum of 1 meter) and length of those pipelines.
8. Charges for way leave for occupation of air space, underground, seabed and below seabed will be 50% of the above rates. License fee for water area would be 50% of the license fee of abutting land. The way leave fee for the service shall be based on the full rates.
9. Interest will not be applicable on the differential areas due to revision till raising of demand notice. If the party fails to pay as per the demand / invoice within 3 months from the receipt of demand notice / invoice, interest will be applicable at 18% per annum as per existing policy or as may be decided by Board from time to time.

”

5. The Speaking Order passed by this Authority will be intimated separately and communicated to the MBPT and the relevant tenants/ lessees in due course of time.

T.S. Balasubramanian,
Member (Finance)

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)
TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 552

New Delhi,

12 November 2021

NOTIFICATION

In exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from Mumbai Port Trust (MBPT) for fixation of Schedule of Rates and revision of rent / compensation for the period 01 October 2017 to 30 September 2022 for non-home occupations in Township Areas of MBPT, as in the Order appended hereto.

T.S. Balasubramanian,
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/42/2021-MBPT

Mumbai Port Trust

Applicant

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
(ii). Shri. Sunil Kumar Singh, Member (Economic)

ORDER

(Passed on this 1st day of November 2021)

This case relates to a proposal received from Mumbai Port Trust (MBPT) vide its letter No. FA/OEA-L38(21)/Gen/166 dated 03 August 2021 for fixation of Schedule of Rates and revision of rent/ compensation for the period 01 October 2017 to 30 September 2022 for non-home occupations in Township Areas of MBPT.

2. The proposal of MBPT is based on the amended Land Policy Guidelines, 2015. The proposal was taken on consultation with the relevant users/ tenants/ lessees. Many comments were received from the tenants/ lessees. The MBPT has responded to the comments of the tenants/ lessees. A joint hearing on the case in reference was held on 03 September 2021 through Video Conferencing. At the joint hearing, the MBPT and the tenants/ lessees have made their submissions. As decided during the Joint Hearing, the MBPT was requested to host the power point presentation in its website and had invited the comments of tenants/ lessees/ users on the power point presentation. Many comments were received from the tenants/ lessees. The MBPT has responded to the comments of the tenants/ lessees.

3. With reference to the totality of information collected during the processing of the case and based on a collective application of mind, this Authority has passed a speaking Order disposing of the proposal filed by the MBPT for fixation of Schedule of Rates and revision of rent/ compensation for the period from 01 October 2017 to 30 September 2022 for non-home occupations in Township Areas of MBPT.

4. This Authority desires that the following Rent Schedule for MBPT prescribing Lease rentals for the 07 Ready Reckoner Zones for non-home occupations in Township Areas of MBPT for the period 01 October 2017 to 30 September 2022 may be notified without waiting for notification of the Speaking Order:

“

Sr. No.	Ready Reckoner Zone	Unit No.	Division	Rate per Sq. Mtr. per month @ 6% return per annum as on 01.10.17 (in ₹.)
A	B	C	D	G
1.	14/101	Unit 1	Dadar- Naigaum	575.00
2.	90/419	Unit 1	Mahul	270.00
3.	10/79	Unit 2, 6,7	Mazgaon	856.55
4.	10/80	Unit 4,7,8,9,13	Mazgaon	938.50
5.	2/13	Unit 9,11,15	Fort	1262.48
6.	2/22	Unit 11	Fort	955.18
7.	17/119, 17/116	Unit 14	Mahim	950.00

Notes:

1. The lease rent is subject to an increase @ 4% p.a. and that first such increase shall be effective from 01 October 2018.
 2. The annual lease rentals may remain in force for a period of five years thereon
 3. Rent will be worked out on the basis of actual Built- Up Area, subject to minimum of FSI 1.00.
 4. Above rates are exclusive of all Taxes (GST, Municipal Taxes, etc.), Service Charges, Penalties, and Interest etc. Same are separately payable by lessees/ tenants/ licensees, as may be applicable.
 5. These rates are applicable for non –Home Occupations.
 6. These rates are applicable to all the Expired Leases, Monthly Tenancies, Fifteen Monthly Leases and Licenses falling in the respective Ready Reckoner Zones.
 7. Interest would be chargeable beyond permissible period as per Board's policy from time to time.
 8. Whether demanded or not, rent/ compensation/ license fee for a month would have to be paid by the tenants/ lessees/ licensees/ occupants on or before the 15th day of each succeeding month.
- ”
5. The Speaking Order passed by this Authority will be intimated separately and communicated to the MBPT and the relevant tenants/ lessees in due course of time.

T.S. Balasubramanian,
Member (Finance)

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)
TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 553

New Delhi,

12 November 2021

NOTIFICATION

In exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from Mumbai Port Trust (MBPT) for fixation of Schedule of Rate for the period 01.10.2017 to 30.09.2022 for Land/ Water area leased to Mazagaon Dock Shipbuilders Limited – RR Zone 10/80 (Mazagaon Division), as in the Order appended hereto.

T.S. Balasubramanian,
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/51/2021-MBPT

Mumbai Port Trust

Applicant

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
(ii). Shri. Sunil Kumar Singh, Member (Economic)

ORDER

(Passed on this 1st day of November 2021)

This case relates to a proposal received from Mumbai Port Trust (MBPT) vide its letter No. FA/OEA-L/21(88)/U-8/252 dated 16 September 2021 seeking approval for fixation of Schedule of Rates for the period 01.10.2017 to 30.09.2022 for Land / Water area leased to Mazagaon Dock Shipbuilders Limited – RR Zone 10/80 (Mazgaon Division).

2. The proposal of MBPT is based on the Policy Guidelines of Land Management 2015 (PGLM 2015). The proposal was taken on consultation with the relevant users/ tenants/ lessees. The users have responded. The MBPT has responded to the comments of the users. A joint hearing on the case in reference was held on 11 October 2021 through Video Conferencing. At the joint hearing, the MBPT and the users have made their submissions.

3. With reference to the totality of information collected during the processing of the case and based on a collective application of mind, this Authority has passed a speaking Order disposing of the proposal filed by the MBPT for fixation of Schedule of Rates for the period 01.10.2017 to 30.09.2022 for Land / Water area leased to Mazagaon Dock Shipbuilders Limited – RR Zone 10/80 (Mazgaon Division).

4. This Authority desires that the following Rent Schedule for MBPT prescribing Lease rentals for the period 01 October 2017 to 30 September 2022 for Land / Water area leased to Mazagaon Dock Shipbuilders Limited – RR Zone 10/80 (Mazgaon Division), may be notified without waiting for notification of the Speaking Order:

“

SR NO.	RR ZONE	PLOT NO	Rate per sq mtr. per annum as on 1.10.2017 (In ₹)
1	2	3	5
1.	10/80	Plot bearing i) No. 355 (Code no. 20801640) ii) Expansion Phase II in North Yard (code no. 20801642) iii) Extension of Slipway in South Yard (code no. 20801650) iv) Additional water area for Extension of Slipway (code no. 20801652)	₹10,214.40/- for land ₹5,107.20/- for basin/ water area

Notes:

- The SoR mentioned above would increase by 4 % annually every October and would be valid till 30.09.2022
- Actual quantum of Rent will be worked out on the base rent and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.

3. Taxes, service charges, penalties, interest rates are not included in the above rates.
4. Rate for allotment of water bodies is applicable at 50 % of the SOR rates for abutting land
5. Differential Arrears, liabilities and other dues/charges for a period from 1.10.2017 to 30.09.2022 will be calculated based on above rates.
6. These rates are applicable to only the four Expired Leases of MDL as brought out above.
7. Interest would be chargeable beyond permissible period as per Board's policy from time to time.
8. Whether demanded or not, rent/compensation/license fee for a month would have to be paid by the tenants/lessees/licensees/occupants on or before the 15th day of each succeeding month.

”

5. The Speaking Order passed by this Authority will be intimated separately and communicated to the MBPT and the relevant tenants/ lessees in due course of time.

T.S. Balasubramanian,
Member (Finance)

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)
TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 554

New Delhi,

12 November 2021

NOTIFICATION

In exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from Mumbai Port Trust (MBPT) for fixation of Schedule of Rates and revision of rent / compensation in respect of 19 Ready Reckoner Zones for the period 01 October 2017 to 30 September 2022 for non-home occupations in Township Areas of MBPT, as in the Order appended hereto.

T.S. Balasubramanian,
Member (Finance),

Tariff Authority for Major Ports
Case No. TAMP/52/2021-MBPT

Mumbai Port Trust

Applicant

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
(ii). Shri. Sunil Kumar Singh, Member (Economic)

ORDER

(Passed on this 01st day of November 2021)

This case relates to a proposal received from Mumbai Port Trust (MBPT) vide its letter No. FA/OEA-L/38(21)/Gen/265 dated 22 September 2021 for fixation of Schedule of Rates and revision of rent/ compensation in respect of 19 Ready Reckoner Zones for the period 01 October 2017 to 30 September 2022 for non-home occupations in Township Areas of MBPT.

2. The proposal of MBPT is based on the amended Land Policy Guidelines, 2015. The proposal was taken on consultation with the relevant users/ tenants/ lessees. Many comments were received from the tenants/ lessees. The MBPT has responded to the comments of the tenants/ lessees. The MBPT has responded to the comments of the tenants/ lessees.

3. With reference to the totality of information collected during the processing of the case and based on a collective application of mind, this Authority has passed a speaking Order disposing of the proposal filed by the MBPT for fixation of Schedule of Rates and revision of rent/ compensation in respect of 19 Ready Reckoner Zones for the period from 01 October 2017 to 30 September 2022 for non-home occupations in Township Areas of MBPT.

4. This Authority desires that the following Rent Schedule for MBPT prescribing Lease rentals for the 19 Ready Reckoner Zones for non-home occupations in Township Areas of MBPT for the period 01 October 2017 to 30 September 2022 may be notified without waiting for notification of the Speaking Order:

“

Schedule of Rates for the period 01.10.2017 to 30.09.2022
for Non-Home Occupation for FSI = 1.00

Sr. No	RR Zone	Unit	Division	Rate per Sq. Mtr. per month @6% return per annum as on 01.10.17 (in ₹.)
1	14/101A	ND – Unit 1	Dadar-Naigaum	578.20
2	11/86	ND/CD/ Bunders Unit 1, 5,13	Parel-Sewree	601.00
3	11/85A	ND- Unit 3	Parel-Sewree	892.25
4	11/85	ND/CD/ Bunders Unit 4, 5,13	Parel-Sewree	842.25
5	11/84	ND- Unit 2	Parel-Sewree	856.55
6	11/84A	ND- Unit 2	Parel-Sewree	856.55
7	10/79A	ND- Unit 3	Mazgaon	927.95
8	10/78A	CD – Unit-6, 8	Mazgaon	851.20
9	10/78B	CD- Unit 8	Mazgaon	851.20
10	3/36	SD - Unit 9	Princess Dock	851.20
11	3/35	SD/Bunders - Unit 9, 10, 14	Princess Dock	851.20
12	3/35B	SD - Unit 9, 10	Princess Dock	948.20
13	2/23	SD/Bunders Unit 9, 11, 15	Fort	1057.50
14	2/9	SD - Unit 11	Fort	1057.50
15	2/12	SD - Unit 12	Fort	1453.20
16	1/6A	SD/Bunders Unit 12, 14	Colaba	1453.20

Sr. No	RR Zone	Unit	Division	Rate per Sq. Mtr. per month @6% return per annum as on 01.10.17 (in ₹.)
17	1/4	Bunders Unit-14	Colaba (Pilot Bunder)	1453.20
18	1/3	SD - Unit 12	Colaba	1453.20
19	1/3A	SD - Unit 12	Colaba	1658.00

Notes:

1. The lease rent is subject to an increase @ 4% p.a. and that first such increase shall be effective from 01 October 2018.
 2. The annual lease rentals may remain in force for a period of five years thereon
 3. Rent will be worked out on the basis of actual Built- Up Area, subject to minimum of FSI 1.00.
 4. Above rates are exclusive of all Taxes (GST, Municipal Taxes, etc.), Service Charges, Penalties, and Interest etc. Same are separately payable by lessees/ tenants/ licensees, as may be applicable.
 5. These rates are applicable for non -Home Occupations.
 6. Rate for allotment of water bodies is applicable at 50% of the SOR rates.
 7. Differential Arrears, liabilities and other dues/charges for a period from 01.10.2017 to 30.9.2022 are calculated based on above rates.
 8. These rates are applicable to all the Expired Leases, Monthly Tenancies, Fifteen Monthly Leases and Licenses falling in the respective Ready Reckoner Zones.
 9. Interest would be chargeable beyond permissible period as per Board's policy from time to time.
 10. Whether demanded or not, rent/ compensation/ license fee for a month would have to be paid by the tenants/ lessees/ licensees/ occupants on or before the 15th day of each succeeding month.
5. The Speaking Order passed by this Authority will be intimated separately and communicated to the MBPT and the relevant tenants/ lessees in due course of time.

T.S. Balasubramanian,
Member (Finance)

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)
TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 555

New Delhi,

12 November 2021

NOTIFICATION

In exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from Mumbai Port Trust (MBPT) for fixation of Schedule of Rates and revision of rent / compensation in respect of 7 plots for the period 01.10.2012 to 30.09.2017 and 7 plots for the period 01.10.2017 to 30.09.2022 for let out land for non home occupation falling under various RR Zones of MBPT, as in the Order appended hereto.

T.S. Balasubramanian,
Member (Finance)

Tariff Authority for Major PortsCase No. TAMP/53/2021-MBPT

Mumbai Port Trust

Applicant

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
(ii). Shri. Sunil Kumar Singh, Member (Economic)

ORDER(Passed on this 01st day of November 2021)

This case relates to a proposal received from Mumbai Port Trust (MBPT) vide its letter No. FA/OEA-L/38(21)/Gen/271 dated 23 September 2021 for fixation of Schedule of Rates and revision of rent / compensation in respect of 7 plots for the period 01.10.2012 to 30.09.2017 and 7 plots for the period 01.10.2017 to 30.09.2022 for let out land for non home occupation falling under various RR Zones of MBPT.

2. The proposal of MBPT is based on the amended Land Policy Guidelines, 2015. The proposal was taken on consultation with the relevant users/ tenants/ lessees. Many comments were received from the tenants/ lessees. The MBPT has responded to the comments of the tenants/ lessees.

3. With reference to the totality of information collected during the processing of the case and based on a collective application of mind, this Authority has passed a speaking Order disposing of the proposal filed by the MBPT for fixation of Schedule of Rates and revision of rent / compensation in respect of 7 plots for the period 01.10.2012 to 30.09.2017 and 7 plots for the period 01.10.2017 to 30.09.2022 for let out land for non home occupation falling under various RR Zones of MBPT.

4. This Authority desires that the following Rent Schedule for MBPT prescribing Lease rentals Lease rentals in respect of 7 plots for the period 01.10.2012 to 30.09.2017 and 7 plots for the period 01.10.2017 to 30.09.2022 for let out land falling for non home occupation under various RR Zones:

“

A. Schedule of Rates for the period from 01.10.2012 to 30.09.2017 for Non-Home Occupations

Sr. No.	RR Zone	Unit	Description as per Ready Reckoner	Rentals per sqm per month for FSI 1.00 (₹.)
1	17/116	Unit-14 (Mahim Bunder)	Lady Jamshetji Road-Portion between city light Cinema junction to Mahim Church Junction.	359.00
2	1/5	Unit-14 (Pilot Bunder)	Cuff parade Portion towards North of Dr. Homibhabha Road and East Portion of Prakash Pethe Marg	1070.00
3	2/13	Unit-15	P D Mello Road (Frere Road)from General Post Office to Boundary of Nort of A Ward	629.00
4	1/6A	Unit-12 & 14 (Fish based occupations of Sassoon Dock)	On East Sea, on West Shahid Bhagat Singh Road, on South Homi Bhabha Road on North division boundary. (Refer Note No.9)	596.11
5	3/36	Bunders Unit-14 (Fish based occupations of	All portion of B Ward on Eastside of P.D' Mello Road upto sea shpre (Victoria Dock & Princess Dock).	585.49

		Ferry Wharf- Land/Jetty)		
6	3/36	Bunders Unit-14 (Fish based occupations of Ferry Wharf – PT Structure)	All portion of B Ward on Eastside of P.D' Mello Road upto sea shore (Victoria Dock & Princess Dock).	684.28
7	–	JD Island (9/419 of Mahul)	Existing land at JD Island	117.22

NOTES:

1. The lease rent is subject to an increase @ 4% p.a. and that first such increase shall be effective from 01 October 2013.
2. The lease rentals may remain in force for a period of five years thereon.
3. Actual quantum of Rent will be worked out on the base rent and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.
4. Special Way Leave charges are calculated based on above rates as per MBPT regulations.
5. Taxes, service charges, penalties, interest rates are not included in the above rates.
6. Rate for allotment of water bodies is applicable at 50% of the SOR rates.
7. Differential Arrears, liabilities and other dues/charges for a period from 01.10.2012 to 30.9.2017 are calculated based on above rates.
8. These rates are applicable for Non-Home Occupations and Special Way Leave.
9. The applicable MCGM cesses will be billed separately over and above the SOR rates for monthly tenants and licenses for less than 1 year
10. These rates are not applicable to occupations given on nominal rents to public bodies and for public amenities.
11. Interest would be chargeable beyond permissible period as per Board's policy from time to time.
12. Whether demanded or not, rent/ compensation/ license fee for a month would have to be paid by the tenants/ lessees/ licensees/ occupants on or before the 15th day of each succeeding month.

B. Schedule of Rates for the period from 01.10.2017 to 30.09.2022 for non Home Occupation.

Sr. No.	RR Zone	Unit	Description as per Ready Reckoner	Rentals per sqm per month for FSI 1.00 (₹.)
1	1/6A	Unit-12 & 14 (Fish based occupations of Sassoon Dock)	On East Sea, on West Shahid Bhagat Singh Road, on South Homi Bhabha Road on North division boundary. (Refer Note No.9)	725.38
2	1/6A	Unit-14 (Fish based occupations of Jamshedji Bunder)	On East Sea, on West Shahid Bhagat Singh Road, on South Homi Bhabha Road on North division boundary. (Refer Note No.9)	871.91
3	3/36	Bunders Unit-14 (Fish based occupations of Ferry Wharf-Land/Jetty)	All portion of B Ward on Eastside of P.D' Mello Road upto sea shore (Victoria Dock & Princess Dock).	712.34
4	3/36	Bunders Unit-14 (Fish based occupations of Ferry Wharf – PT Structure)	All portion of B Ward on Eastside of P.D' Mello Road upto sea shore (Victoria Dock & Princess Dock).	832.53
5	–	Unit-12 JD Island	Existing land at JD Island	142.62
6	–	Unit-12 JD Island	Reclaimed land adjoining to JD Island	123.40*
7	–	JD Island	Maratha Mandir at JD Island	242.13*

* SOR for reclaimed land adjoining to JD Island and Maratha Mandir at JD Island w.e.f. 01.10.2019 instead of 01.10.2017

NOTES:

1. The lease rent is subject to an increase @ 4% p.a. and that first such increase shall be effective from 01 October 2018.
2. The lease rentals may remain in force for a period of five years thereon.
3. Actual quantum of Rent will be worked out on the base rent and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.

4. Special Way Leave charges are calculated based on above rates as per MBPT regulations.
5. Taxes, service charges, penalties, interest rates are not included in the above rates.
6. Rate for allotment of water bodies is applicable at 50% of the SOR rates.
7. Differential Arrears, liabilities and other dues/charges for a period from 01.10.2017 to 30.9.2022 are calculated based on above rates.
8. These rates are applicable for Non-Home Occupations and Special Way Leave.
9. The applicable MCGM cesses will be billed separately over and above the SOR rates for monthly tenants and licenses for less than 1 year
10. These rates are not applicable to occupations given on nominal rents to public bodies and for public amenities.
11. Interest would be chargeable beyond permissible period as per Board's policy from time to time.
12. Whether demanded or not, rent/ compensation/ license fee for a month would have to be paid by the tenants/ lessees/ licensees/ occupants on or before the 15th day of each succeeding month

”

5. The Speaking Order passed by this Authority will be intimated separately and communicated to the MBPT and the relevant tenants/ lessees in due course of time.

T.S. Balasubramanian
Member (Finance)

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)
TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 556

New Delhi,

12 November 2021

NOTIFICATION

In exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from Mumbai Port Trust (MBPT) for fixation of Schedule of Rates and revision of rent / compensation for the period 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022 for residential and mixed used occupations, as in the Order appended hereto.

T.S. Balasubramanian,
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/54/2021-MBPT

Mumbai Port Trust

Applicant

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
(ii). Shri. Sunil Kumar Singh, Member (Economic)

ORDER

(Passed on this 01st day of November 2021)

This case relates to a proposal received from Mumbai Port Trust seeking approval for fixation of Schedule of Rates and revision of rent / compensation for the period 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022 for residential and mixed used occupations.

2. The proposal of MBPT is based on the amended Land Policy Guidelines, 2015. The proposal was taken on consultation with the relevant users/ tenants/ lessees. Many comments were received from the tenants/ lessees. The MBPT has responded to the comments of the tenants/ lessees.

3. With reference to the totality of information collected during the processing of the case and based on a collective application of mind, this Authority has passed a speaking Order disposing of the proposal filed by the MBPT for fixation of Schedule of Rates and revision of rent / compensation in respect of 26 RR zones for the period 01.10.2012 to 30.09.2017 and 27 RR zones for residential and mixed used occupations.

4. This Authority desires that the following Rent Schedule for MBPT prescribing Lease rentals Lease rentals in respect of 26 RR zones for the period 01.10.2012 to 30.09.2017 and 27 RR zones for the period 01.10.2017 to 30.09.2022 for residential and mixed used occupations:

“

A. Schedule of rates for the period from 01.10.2012 to 30.09.2017 for residential and mixed used occupations.

Sr. No.	RR Zone	Unit	Description as per Ready Reckoner	Rentals per Sqm. per month for FSI 1.00 as on 01.10.2012 (₹.)
1	14/101	1	All the Portion on East of Harbour Railway Line.	120.00
2	16/110	1	North, East & South boundary of Division, on West Harbour Railway Line (Part) and boundary of the Division.	259.00
3	11/86	1, Bunders	Portion towards East of Harbour Line, On South Acharya Dande Marg (King Edward Road) upto Sewri Railway Station, on East sea, on North boundary of ward and on West Harbour Railway Line. All the portion surrounded.	69.00
4	11/84	2	On East Barister Nath Pal Marg, T. Jeevraj Marg, Rafi Ahmed Kidwai Marg, on West G.D. Ambedkar Marg, on North Jerbai Wadia Marg. All the portion surrounded.	332.50
5	11/85A	3	On East B. P. T. railway line, on West Harbour railway line, on South Division boundary (First Avenue Road).	103.00
6	11/85	4,5, Bunders	On East Division boundary, from Sewri Station toward south Hindustan Level Company's East side Road, on West B.P.T. Railway Line, on South Division boundary.	86.50

Sr. No.	RR Zone	Unit	Description as per Ready Reckoner	Rentals per Sqm. per month for FSI 1.00 as on 01.10.2012 (₹.)
7	10/79	2,6	On East division boundary (portion of Harbour Railway line and G.D. Ambedkar Marg) on West central railway line, division boundary, on North division boundary, Dattaram Laud Marg, on South Sant Savatmalimarg.	168.00
8	10/79 A	8	On East B.P.T. railway line, on West central railway harbour line, on North Division boundary upto First Avenue Road, triangular portion of all the land.	83.50
9	10/80	4,7,8,9, Bunders	On West B.P.T. Railway Line (East Oilfield Freeway) on East sea on South Jijabhai Mulji Rathod Marg (Wadi Bunder Road) and on North B.P.T. Railway line and first Avenue Road. All the portion Surrounded.	84.50
10	10/78B	8	On East B.P.T. Railway line, on West Central railway harbour line, on south Jeenabai Rathod Marg (Wadi Bunder Road) triangular portion of all the land.	107.50
11	3/36	8,Docks	All portion of B Ward on Eastside of P.D' Mello Road upto sea shore (Victoria Dock & Princess Dock).	134.00
12	3/35	10	Area Between North Boundary of B Ward (Ramchandra Bhatt Marg,2013), South Boundary of B Ward (Lokmanya Tilak Marg,2013), Central Railway Line and P.D'Mello Road.	244.50
13	2/23	9, 11, 15 Docks	Indira Dock land Portion towards East of P.D'Mello Road upto sea and from G.P.O. to North boundary of Ward.	265.00
14	2/9	11	Shahid Bhagat Singh Marg from Regal Cinema to General Post Office.	466.50
15	2/22	11	Ballard Estate part. Portion towards East of Shahid Bhagat Singh Marg from Mint to General Post Office upto indira Dock Portion and Dock railway and portion upto division boundary.	273.50
16	2/12	12	Madam Cama Road between Regal Cinema and Gateway of India.	667.50
17	1/6	12, Bunders	Colaba portion: East portion of Prakash Pethe Marg and Jagannath Bhosale Marg and South portion of Madam Cama Road, except portion of Sub-zone 1/3 above.	534.00
18	1/6A	12	On East Sea, on West Shahid Bhagat Singh Road, on South Homi Bhabha Road on North division boundary. (Refer Note No.9)	494.50
19	1/3	12	Shahid Bhagat Singh Marg from Colaba to Regal Cinema	1266.00
20	90/419	1	All the properties of Mahul village	68.50
21	96/436	1	All the properties of Aanik village, except Bhakti Park Complex	115.00
22	26/81	5	Zone 2A. Division Manda (34)(A) Manda West - All properties on West of Central Railway Line	34.50
23	17/119	14	on South Sitaladevi Temple Road, on East Western Railway Line and on North and West Mahim Creek. All the portion surrounded.	300.50
24	17/116	14	Mahim Bunder	359.00
25	1/5	14	Pilot Bunder (Sea Cadet)	1070.00
26	2/13	15	PD'Mello Road	629.00

NOTES:

1. The lease rent is subject to an increase @ 4% p.a. and that first such increase shall be effective from 01 October 2013.
2. The lease rentals may remain in force for a period of five years thereon.
3. Actual quantum of Rent will be worked out on the base rent and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.
4. Taxes, service charges, penalties, interest rates are not included in the above rates.
5. Above rates are not applicable for letout structures constructed / owned by MBPT i.e. P.T. Structures.
6. Rate for allotment of water bodies is applicable at 50% of the SOR rates.
7. Differential Arrears, liabilities and other dues/charges for a period from 01.10.2012 to 30.9.2017 are calculated based on above rates.
8. These rates are applicable for Home and Mixed (Home and Non-Home) Occupations.
9. Estate lands of Old Sassoon Dock, Ferry Wharf and Jawahar Dweep are excluded from the above rates.
10. These rates are not applicable to occupations given on nominal rents to public bodies and for public amenities.
11. Interest would be chargeable beyond permissible period as per Board's policy from time to time.
12. Whether demanded or not, rent/ compensation/ license fee for a month would have to be paid by the tenants/ lessees/ licensees/ occupants on or before the 15th day of each succeeding month.

B. Schedule of Rates for the period from 01.10.2017 to 30.09.2022 for Home and Mixed (Home+Non-home) Occupations

Sr. No.	RR Zone	Unit	Description as per Ready Reckoner	Rentals per Sqm. per month for FSI 1.00 as on 01.10.2017 (₹.)
1	14/101	ND -Unit 1	Dadar-Naigaum	575.00
2	14/101A	ND - Unit 1	Dadar-Naigaum	578.20
3	11/86	ND/CD/ Bunders Unit 1, 5,13	Parel-Sewree	601.00
4	11/85A	ND- Unit 3	Parel-Sewree	892.23
5	11/85	ND/CD/ Bunders Unit 4, 5,13	Parel-Sewree	842.25
6	11/84	ND- Unit 2	Parel-Sewree	856.55
7	11/84A	ND- Unit 2	Parel-Sewree	856.55
8	10/80	ND/CD/ SD/Bunders Unit 4,7,8,9,13	Mazgaon	938.50
9	10/79	ND/CD- Unit 2, 6,7	Mazgaon	856.55
10	10/79A	ND- Unit 3	Mazgaon	927.92
11	10/78A	CD - Unit-6, 8	Mazgaon	851.20
12	10/78B	CD- Unit 8	Mazgaon	851.20
13	3/36	SD - Unit 9	Princess Dock	851.20
14	3/35	SD/Bunders - Unit 9, 10,14	Princess Dock	851.20
15	3/35B	SD - Unit 9, 10	Princess Dock	948.20
16	2/22	SD- Unit 11	Fort	955.18
17	2/23	SD/Bunders Unit 9, 11, 15	Fort	1057.50
18	2/13	SD/Bunders Unit 9,11,15	Fort	1262.48
19	2/9	SD - Unit 11	Fort	1057.50
20	2/12	SD - Unit 12	Fort	1453.20
21	1/6A	SD/Bunders Unit 12, 14	Colaba	1453.20
22	1/4	Bunders Unit-14	Colaba (Pilot Bunder)	1453.20
23	1/3	SD - Unit 12	Colaba	1453.20
24	1/3A	SD - Unit 12	Colaba	1658.00
25	17/119	BD - Unit 14	Mahim	950.00
26	17/116	BD - Unit 14	Mahim	950.00
27	90/419 Pir Pau	ND - Unit 1	Mahul	269.10

NOTES:

1. The lease rent is subject to an increase @ 4% p.a. and that first such increase shall be effective from 01 October 2018.
2. The lease rentals may remain in force for a period of five years thereon.

3. Actual quantum of Rent will be worked out on the base rent and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.
4. Taxes, service charges, penalties, interest rates are not included in the above rates.
5. Above rates are not applicable for letout structures constructed / owned by MBPT i.e. P.T. Structures.
6. Rate for allotment of water bodies is applicable at 50% of the SOR rates.
7. Differential Arrears, liabilities and other dues/charges for a period from 01.10.2017 to 30.9.2022 are calculated based on above rates.
8. These rates are applicable for Home and Mixed (Home and Non-Home) Occupations.
9. Estate lands of Old Sassoon Dock, Ferry Wharf and Jawahar Dweep are excluded from the above rates.
10. These rates are not applicable to occupations given on nominal rents to public bodies and for public amenities.
11. Interest would be chargeable beyond permissible period as per Board's policy from time to time.
12. Whether demanded or not, rent/ compensation/ license fee for a month would have to be paid by the tenants/ lessees/ licensees/ occupants on or before the 15th day of each succeeding month.

”

5. The Speaking Order passed by this Authority will be intimated separately and communicated to the MBPT and the relevant tenants/ lessees in due course of time.

T.S. Balasubramanian,
Member (Finance)

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)
TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 557

New Delhi,

12 November 2021

NOTIFICATION

In exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from Mumbai Port Trust (MBPT) for incorporation of new section for prescription relates to calculation of base rentals as on 1.10.2012 and 1.10.2017 for the quinquennial period 1.10.2012 to 30.9.2017 and 1.10.2017 to 30.9.2022 respectively for the Port Structures (PT structures) for non-home occupations/ Home occupations in Township Areas of MBPT, on case to case basis in the respective Schedule of Lease rentals of MBPT, as in the Order appended hereto.

T.S. Balasubramanian,
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/55/2021-MBPT

Mumbai Port Trust

Applicant

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
- (ii). Shri. Sunil Kumar Singh, Member (Economic)

ORDER

(Passed on this 1st day of November 2021)

This case relates to a proposal received from Mumbai Port Trust (MBPT) vide its letter No. FA/OEA-L38(21)/Gen/269 dated 23 September 2021 for incorporation of new section for prescription relates to calculation of base rentals as on 1.10.2012 and 1.10.2017 for the quinquennial period 1.10.2012 to 30.9.2017 and 1.10.2017 to 30.9.2022 respectively for the Port Structures (PT structures) for non-home occupations/ Home occupations in Township Areas of MBPT, on case to case basis in the respective Schedule of Lease rentals of MBPT.

2. The proposal of MBPT is based on the amended Land Policy Guidelines, 2015. The proposal was taken on consultation with the relevant users/ tenants/ lessees. Many comments were received from the tenants/ lessees. The MBPT has responded to the comments of the tenants/ lessees. The MBPT has responded to the comments of the tenants/ lessees.

3. With reference to the totality of information collected during the processing of the case and based on a collective application of mind, this Authority has passed a speaking Order disposing of the proposal filed by the MBPT for incorporation of prescription relates to calculation of base rentals as on 1.10.2012 and 1.10.2017 for the quinquennial period 1.10.2012 to 30.9.2017 and 1.10.2017 to 30.9.2022 respectively for the Port Structures (PT structures) for non-home occupations/ Home occupations in Township Areas of MBPT, on case to case basis in the respective Schedule of Lease rentals of MBPT.

4. This Authority desires that the following new section prescription relating to calculation of base rentals as on 1.10.2012 and 1.10.2017 for the quinquennial period 1.10.2012 to 30.9.2017 and 1.10.2017 to 30.9.2022 respectively for the Port Structures (PT structures) for non-home occupations/ Home occupations in Township Areas of MBPT, on case to case basis in the respective Schedule of Lease rentals of MBPT, may be notified without waiting for notification of the Speaking Order:

A. Calculation of base rentals as on 1.10.2012 for the Port structures (PT structures) for non-home occupations/ home occupations in township areas of MBPT.

- (i) The base lease rentals as on 1.10. 2012 for the for the Port Trust (PT) Structures will be arrived based on the following formula :

Lease Rentals as on 1.10.2012 per sqm per month= Approved Lease Rentals applicable for the zone per sqm per month + (6% X (80% of Cost of PT structure as given in the TABLE -1A based on the type of the building/structure x Percentage value after depreciation as given in TABLE-2A of based on age of the Building and type of building) / 12).

TABLE -1A
Cost of new construction as per types of construction
(based on Stamp Duty Ready Reckoner, Mumbai 2012)

Sr. No	Type of Construction	Cost per Sq.Mtr(Built-up) in
		As on 2012 ₹.
A)	R.C.C. Construction R.C.C. slabs, Brick wall made and plastered with cement mortar inside the wall, tiles flooring	17500
B)	Other Pukka Construction Load bearing Structure, R.C.C slab, Brick wall plastered with cement, Kaccha or cement flooring	14000
C)	Semi/Half Pukka Construction Load bearing structure, wall made of brick or stone with mud, Shahbad floor mud or other type of flooring and construction other than slab	9000
D)	Kaccha Construction Mud wall with bricks, Mud Gilav, with roof of clay tiles/asbestos or tin	6000

TABLE -2A
Depreciation rates of old buildings
(As per Stamp Duty Ready Reckoner, Mumbai, 2012)

Completed Age of building in Years	Value in Percent after Depreciation		
	RCC Structures/ Pukka Structures	Pukka Other Structures	Half or Semi-Pukka Structures
0 to 2 years.	100%		100%
Above 2 and upto 5 Years	95%		95%
Above 5 and upto 10 Years	90%		85%
Above 10 and upto 20 Years	80%		75%
Above 20 and upto 30 Years	70%		60%
Above 30 and upto 40 Years	60%		45%
Above 40 and upto 50 Years	50%		30%
Above 50 and upto 60 Years	40%		20%
Above 60 Years	30%		15%

Notes:

1. Lease Rentals for let out structures constructed / owned by MBPT i.e. P.T. Structures will be calculate based on the above rates by using this formula " Approved Lease Rentals applicable of the zone + 6% X (80% of Depreciated cost of PT structure based on age of the Building and type of building)/12 "
2. Type of construction and percentage of depreciation based on age of structure will be considered for calculation of PT structure rentals as given in Table-1 and Table 2 respectively
3. The lease rent is subject to an increase @ 4% p.a. and that first such increase shall be effective from 01 October 2012.
4. The annual lease rentals may remain in force for a period of five years thereon
5. Rent will be worked out on the basis of actual Built- Up Area, subject to minimum of FSI 1.00.
6. Above rates are exclusive of all Taxes (GST, Municipal Taxes, etc.), Service Charges, Penalties, and Interest etc. Same are separately payable by lessees/ tenants/ licensees, as may be applicable.
7. The rates are applicable for non –Home Occupations.
8. Differential Arrears, liabilities and other dues/charges for a period from 01.10.2012 to 30.9.2017 are calculated based on above rates
9. These rates are applicable for Non-Home, Home and Mixed (Home and Non-Home) occupations in PT Structures.
10. The rates are applicable to all the Expired Leases, Monthly Tenancies, Fifteen Monthly Leases and Licenses falling in the respective Ready Reckoner Zones.
11. Estate lands of Old Sassoon Dock, Ferry Wharf and Jawahar Dweep are excluded.
12. These rates are not applicable to occupations given on nominal rents to public bodies and for public amenities.

13. Interest would be chargeable beyond permissible period as per Board's policy from time to time.
14. Whether demanded or not, rent/ compensation/ license fee for a month would have to be paid by the tenants/ lessees/ licensees/ occupants on or before the 15th day of each succeeding month.

B. Calculation of base rentals as on 1.10.2017 for the Port structures (PT structures) for non-home occupations/ home occupations in township areas of MBPT.

- (i). The base lease rentals as on 1.10. 2017 for the for the Port Trust (PT) Structures will be arrived based on the following formula :

Lease Rentals as on 1.10.2017 per sqm per month= Approved Lease Rentals applicable for the zone per sqm per month + (6% X (80% of Cost of PT structure as given in the TABLE -1B based on the type of the building/structure x Percentage value after depreciation as given in TABLE-2B of based on age of the Building and type of building) / 12).

TABLE -1B
Cost of new construction as per types of construction
(based on Stamp Duty Ready Reckoner, Mumbai 2017)

Sr. No	Type of Construction	Cost per Sq.Mtr(Built-up) in
		As on 2017 ₹.
A)	R.C.C. Construction R.C.C. slabs, Brick wall made and plastered with cement mortar inside the wall, tiles flooring	27500
B)	Other Pukka Construction Load bearing Structure, R.C.C slab, Brick wall plastered with cement, Kaccha or cement flooring	23375
C)	Semi/Half Pukka Construction Load bearing structure, wall made of brick or stone with mud, Shahbad floor mud or other type of flooring and construction other than slab	16500
D)	Kaccha Construction Mud wall with bricks, Mud Gilav, with roof of clay tiles/asbestos or tin	9625

TABLE -2B
Depreciation rates of old buildings
(As per Stamp Duty Ready Reckoner, Mumbai, 2017)

Completed Age of building in Years	Value in Percent after Depreciation		
	RCC Structures/ Pukka Structures	Pukka Other Structures	Half or Semi-Pukka Structures
0 to 2 years.	100%		100%
Above 2 and upto 5 Years	95%		95%
Above 5 and upto 10 Years	90%		85%
Above 10 and upto 20 Years	80%		75%
Above 20 and upto 30 Years	70%		60%
Above 30 and upto 40 Years	60%		45%
Above 40 and upto 50 Years	50%		30%
Above 50 and upto 60 Years	40%		20%
Above 60 Years	30%		15%

Notes:

1. Lease Rentals for let out structures constructed / owned by MBPT i.e. P.T. Structures will be calculate based on the above rates by using this formula " Approved Lease Rentals applicable of the zone + 6% X (80% of Depreciated cost of PT structure based on age of the Building and type of building)/12 "
2. Type of construction and percentage of depreciation based on age of structure will be considered for calculation of PT structure rentals as given in Table-1 and Table 2 respectively

3. The lease rent is subject to an increase @ 4% p.a. and that first such increase shall be effective from 01 October 2017.
 4. The annual lease rentals may remain in force for a period of five years thereon
 5. Rent will be worked out on the basis of actual Built- Up Area, subject to minimum of FSI 1.00.
 6. Above rates are exclusive of all Taxes (GST, Municipal Taxes, etc.), Service Charges, Penalties, and Interest etc. Same are separately payable by lessees/ tenants/ licensees, as may be applicable.
 7. The rates are applicable for non –Home Occupations.
 8. Differential Arrears, liabilities and other dues/charges for a period from 01.10.2017 to 30.9.2022 are calculated based on above rates
 9. These rates are applicable for Non-Home, Home and Mixed (Home and Non-Home) occupations in PT Structures.
 10. The rates are applicable to all the Expired Leases, Monthly Tenancies, Fifteen Monthly Leases and Licenses falling in the respective Ready Reckoner Zones.
 11. Estate lands of Old Sassoon Dock, Ferry Wharf and Jawahar Dweep are excluded.
 12. These rates are not applicable to occupations given on nominal rents to public bodies and for public amenities.
 13. Interest would be chargeable beyond permissible period as per Board's policy from time to time.
 14. Whether demanded or not, rent/ compensation/ license fee for a month would have to be paid by the tenants/ lessees/ licensees/ occupants on or before the 15th day of each succeeding month.
5. The MBPT is advised to incorporate above prescriptions in the respective Schedule of Rates for home and non home occupation for the period from 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.9.2022 approved by this Authority.
6. The Speaking Order passed by this Authority will be intimated separately and communicated to the MBPT and the relevant tenants/ lessees in due course of time.

T.S. Balasubramanian,
Member (Finance)

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)
TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 558

New Delhi,

12 November 2021

NOTIFICATION

In exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from Mumbai Port Trust (MBPT) for fixation of Schedule of Rates for way leave / special way leave fees of MBPT Trestle i.e. Old Pir Pau (OPP), First Chemical Berth (FCB) and Second Chemical Berth (SCB) for the period from 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022, as in the Order appended hereto.

T.S. Balasubramanian,
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/59/2021-MBPT

Mumbai Port Trust

Applicant

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
(ii). Shri. Sunil Kumar Singh, Member (Economic)

ORDER

(Passed on this 1st day of November 2021)

This case relates to a proposal received from Mumbai Port Trust (MBPT) vide its letter dated 14 October 2021 seeking approval for fixation of Schedule of Rates for way leave / special way leave fees of MBPT Trestle i.e. Old Pir Pau (OPP), First Chemical Berth (FCB) and Second Chemical Berth (SCB) for the period from 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022.

2. The proposal of MBPT is based on the amended Land Policy Guidelines, 2015. The proposal was taken on consultation with the relevant users/ tenants/ lessees. Users/ User organization have made their submissions during the proceeding of the case. The MBPT has responded to the comments of users/ users organizations.

3. With reference to the totality of information collected during the processing of the case and based on a collective application of mind, this Authority has passed a speaking Order disposing of the proposal filed by the MBPT for fixation of Schedule of Rates for way leave / special way leave fees of MBPT Trestle i.e. Old Pir Pau (OPP), First Chemical Berth (FCB) and Second Chemical Berth (SCB) for the period from 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022

4. This Authority desires that the following Way leave Schedule for MBPT prescribing Schedule of way leave charges of MBPT Trestle i.e. Old Pir Pau (OPP), First Chemical Berth (FCB) and Second Chemical Berth (SCB) for the period from 01.10.2012 to 30.09.2017 and 01.10.2017 to 30.09.2022 may be notified without waiting for notification of the Speaking Order:

“

SCHEDULE OF WAY LEAVE CHARGES FOR THE PIPELINES LAID ON TRESTLE AT PIR PAU

- (i). Special Way Leave rates for the pipelines laid on Trestle at Pir Pau for the period 01.10.2012 to 30.09.2017

Period	Rate per sq m./month for 300 mm dia pipeline laid at Old Pir Pau Jetty & First Chemical Berth ₹.	Rate per sq m./month for 300 mm dia pipeline laid at Second Chemical Berth ₹.
01.10.2012 to 30.09.2013	182.87	N.A
01.10.2013 to 30.09.2014	190.19	N.A
01.10.2014 to 30.09.2015	197.79	230.64
01.10.2015 to 30.09.2016	205.71	239.87
01.10.2016 to 30.09.2017	213.93	249.60

- (ii). Special Way Leave rates for the pipelines laid on Trestle at Pir Pau for the period 01.10.2017 to 30.09.2022

	Rate per sq m./month for 300 mm dia pipeline laid at Old Pir Pau Jetty & First Chemical Berth	Rate per sq m./month for 300 mm dia pipeline laid at Second Chemical Berth

	₹.	₹.
01.10.2017 to 30.09.2018	222.49	259.44
01.10.2018 to 30.09.2019	231.39	269.81
01.10.2019 to 30.09.2020	240.65	280.60
01.10.2020 to 30.09.2021	250.27	291.83
01.10.2021 to 30.09.2022	260.28	303.50

Notes:

1. Above rates are exclusive of all Taxes (GST, Taxes, etc.), Service Charges, Penalties, and Interest etc. Same are separately payable by lessees, as may be applicable.
2. The Special Way Leave fee for Optical Fiber Cable will be applicable as per the above rates but taking the width subject to a minimum of half a meter for computation.
3. The rate indicated in the table is for 300 mm external dia of pipeline and the rate will increase proportionately for pipelines of higher dia.
4. The way leave fee for the loop length of the pipeline on trestle will be charged at 60% of the rate applicable for the way leave fee on trestle.
5. The above rates would be the SoR for the pipelines/marine loading arms presently laid on trestle and form the reserve rate for grant of way leave permissions in future.
6. In the event of failure of achieve Minimum Guarantee Throughput (MGT), the user should compensate the port by paying additional wharf age charges for the shortfall quantity.
7. Other aspects related to Right of Way permission will be dealt with as per the extant Land Policy Guidelines.
8. Way Leave/ Special Way Leave fee, whether demanded or not, shall be paid by the lessees/ tenants/ licensees on or before the 15th day of each month succeeding that for which Way Leave / Special Way Leave fee is due.
9. The formula for calculation of way leave fee on trestle is as follows:
Way Leave fee per sqm per month =
$$\frac{\text{Length of pipeline} \times (\text{External dia including insulation}) \times \text{rate applicable}}{300 \text{ mm}}$$
10. Way leave fees will increase by 4% every October. First such 4% increase will be effected from 1.10.2013.
11. The rate applicable for loop length of pipeline laid on trestle will be taken at 60% of way leave fee of respective trestle.
12. Interest will not be applicable on the differential areas due to revision till raising of demand notice. If the party fails to pay as per the demand / invoice within 3 months from the receipt of demand notice / invoice, interest will be applicable at 18% per annum as per existing policy or as may be decided by Board from time to time.

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5. The Speaking Order passed by this Authority will be intimated separately and communicated to the MBPT and the relevant tenants/ lessees in due course of time.

T.S. Balasubramanian
Member (Finance)

(Published in Part - III Section 4 of the Gazette of India, Extraordinary)
TARIFF AUTHORITY FOR MAJOR PORTS

G.No. 559

New Delhi,

12 November 2021

NOTIFICATION

In exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal received from Mumbai Port Trust (MBPT) for fixation of Schedule of Rates (SOR) and revision of rent / compensation for the period 01.10.2012 to 30.09.2017 (12 Zones) and 01.10.2017 to 30.09.2022 (09 Zones) for let out land falling under various Ready Reckoner Zones, as in the Order appended hereto.

T.S. Balasubramanian,
Member (Finance),

Tariff Authority for Major Ports
Case No. TAMP/60/2021-MBPT

Mumbai Port Trust

Applicant

QUORUM

- (i). Shri. T.S. Balasubramanian, Member (Finance)
(ii). Shri. Sunil Kumar Singh, Member (Economic)

ORDER

(Passed on this 01st day of November 2021)

This case relates to a proposal received from Mumbai Port Trust (MBPT) vide its letter dated 13 October 2021 received from the Mumbai Port Trust (MBPT) for fixation of Schedule of Rates (SOR) and revision of rent / compensation for the period 01.10.2012 to 30.09.2017 (12 Zones) and 01.10.2017 to 30.09.2022 (09 Zones) for let out land falling under various Ready Reckoner Zones.

2. The proposal of MBPT is based on the amended Land Policy Guidelines, 2015. The proposal was taken on consultation with the relevant users/ tenants/ lessees. Many comments were received from the tenants/ lessees. The MBPT has responded to the comments of the tenants/ lessees.

3. With reference to the totality of information collected during the processing of the case and based on a collective application of mind, this Authority has passed a speaking Order disposing of the proposal filed by the MBPT for fixation of Schedule of Rates (SOR) and revision of rent / compensation for the period 01.10.2012 to 30.09.2017 (12 Zones) and 01.10.2017 to 30.09.2022 (09 Zones) for let out land falling under various Ready Reckoner Zones.

4. This Authority desires that the following Rent Schedule for MBPT prescribing Lease rentals Lease rentals in respect of 12 RR Zones for the period 01.10.2012 to 30.09.2017 and 9 RR Zones for the period 01.10.2017 to 30.09.2022 for let out land falling for non home occupation under various RR Zones:

"

A. Schedule of Rates for the period from 01.10.2012 to 30.09.2017 for Non-Home Occupations

Sr. No.	RR Zone	Unit	Description as per Ready Reckoner	Rentals per sqm per month for FSI 1.00 (₹.)
1	11/84A	2	On East Rafi Ahmad Kidwai Marg, on West T.Jeevraj Road upto P.Sawant Chowk on North Acharya Daunde Marg(King Edward Road) triangular portion of all the land.	200.00
2	11/84B	2	Rafi Ahmed Kidwai Marg and Harbour railway line, narrow strip portion of land	241.00
3	11/84E	2	Portion in between on East Harbour Railway line and on West Sewri Cross Road	291.00
4	7/64	12	On west side Central Portion of Khamballa Hill having vertical slope on East side Javji Dadaji Marg (Tardeo Road) from Nana Chowk to Haji Ali Chowk on North Haji Ali Chowk and on South August Kranti Marg. All Portion surrounded by these Roads.	655.00
5	10/78A	8	On West Shivdas champsi Marg and Dr. Mascrenas Road, on East BPT Railway line, on North Sant Savtamali Marg and on South	175.00

			Jijabhai Mulji Rathod Marg. All the portion surrounded.	
6	3/35B	9	P.D'Mello Road	233.00
7	7/66	12	West, South and East division boundary on North August Kranti Marg and Pandita Ramabai Marg. All the portion surrounded.	1206.00
8	1/4	14	Onavy Nagar portion and colaba portion towards south of Dr. Homi Bhabha Road Navy Nagar, Tata Institute of Fundamental Research and Colaba Point	339.00
9	13/97	13	Towards West Sasmira Road, On East and South ward boundary and on North Worli Gaothan Boundary	322.00
10	15/105	1	All the properties of Salt Pan Division except Zone No. 15/105A	170.00
11	2/34	Only Township Areas excluding Custom bond areas	Lokmanya Tilak Marg part from Phule Market to P.D'Mello Chowk	308.00
12	3/36A		Lokmanya Tilak Marg on East side of PD Mello Road	293.00

NOTES:

1. The lease rent is subject to an increase @ 4% p.a. and that first such increase shall be effective from 01 October 2013.
2. The lease rentals may remain in force for a period of five years thereon.
3. Actual quantum of Rent will be worked out on the base rent and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.
4. Special Way Leave charges are calculated based on above rates as per MBPT regulations.
5. Taxes, service charges, penalties, interest rates are not included in the above rates.
6. Rate for allotment of water bodies is applicable at 50% of the SOR rates.
7. Differential Arrears, liabilities and other dues/charges for a period from 01.10.2012 to 30.9.2017 are calculated based on above rates.
8. The applicable MCGM cesses will be billed separately over and above the SOR rates for monthly tenants and licenses for less than 1 year
9. These rates are not applicable to occupations given on nominal rents to public bodies and for public amenities.
10. Interest would be chargeable beyond permissible period as per Board's policy from time to time.
11. Whether demanded or not, rent/ compensation/ license fee for a month would have to be paid by the tenants/ lessees/ licensees/ occupants on or before the 15th day of each succeeding month.

B. Schedule of Rates for the period from 01.10.2017 to 30.09.2022 for non Home Occupation.

Sr. No.	RR Zone	Unit	Description as per Ready Reckoner	Rentals per sqm per month for FSI 1.00 (₹)
1	96/436	1	Anik	269.00
2	15/105	1	Salt Pan	269.00
3	16/110	1	Matunga	578.00
4	11/84E	2	Parel-Sewree	857.00
5	13/97	14	Worli	568.00
6	7/64	12	Malbar Hill	1288.00
7	7/68	12	Malbar Hill	1691.00
8	1/6	12	Colaba	1658.00
9	Karanja	12	Karanja	57.00

NOTES:

1. The lease rent is subject to an increase @ 4% p.a. and that first such increase shall be effective from 01 October 2018.
2. The lease rentals may remain in force for a period of five years thereon.
3. Actual quantum of Rent will be worked out on the base rent and factor as may be recommended by the committee appointed for the purpose of applicability of FSI.
4. Special Way Leave charges are calculated based on above rates as per MBPT regulations.
5. Taxes, service charges, penalties, interest rates are not included in the above rates.

6. Rate for allotment of water bodies is applicable at 50% of the SOR rates.
7. Differential Arrears, liabilities and other dues/charges for a period from 01.10.2017 to 30.9.2022 are calculated based on above rates.
8. The applicable MCGM cesses will be billed separately over and above the SOR rates for monthly tenants and licenses for less than 1 year
9. These rates are not applicable to occupations given on nominal rents to public bodies and for public amenities.
10. Interest would be chargeable beyond permissible period as per Board's policy from time to time.
11. Whether demanded or not, rent/ compensation/ license fee for a month would have to be paid by the tenants/ lessees/ licensees/ occupants on or before the 15th day of each succeeding month.

”

5. The Speaking Order passed by this Authority will be intimated separately and communicated to the MBPT and the relevant tenants/ lessees in due course of time.

Mumbai,
dated 28th April 2022.

T. S. BALASUBRAMANIAN,
Member (Finance).

SMT. P. M. DABHOLKAR,
The Financial Advisor and Chief Accounts Officer.